

THE FALL OF KING COAL:
DON BLANKENSHIP ON TRIAL

JEB BUSH'S WAR ON BLACK VOTERS

PAD NAUSEAM:
TRUMP'S HOUSE IS HOW BIG?

Mother Jones

SMART, FEARLESS JOURNALISM

November + December 2015

INSIDE THE RACE TO STOP THE NEXT MASS SHOOTER

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ACHIEVING DOMESTIC EQUITY

On June 26, 2015, the Supreme Court reaffirmed what many of us have long believed—the Constitution is a living, breathing document built on a foundation of equality and the pursuit of happiness. It did not take a constitutional amendment to establish marriage equality, because those concepts are embedded in our nation's founding documents.

The struggle for that important achievement was carried out over many years, from the streets, to the court rooms, to the board rooms.

We were pleased to join 379 employers and employer organizations in a friend of the court (*amicus curiae*) brief to the US Supreme Court to explain how discriminatory restrictions on the right to marry hurt business. According to the Court:

"As more than 100 amici make clear in their filings, many of the central institutions in American life—state and local governments, the military, **large and small businesses**, labor unions, religious organizations, law enforcement, civic groups, professional organizations, and universities—have devoted substantial attention to the question. ***This has led to an enhanced understanding of the issue***—an understanding reflected in the arguments now presented for resolution as a matter of constitutional law." *Obergefell v. Hodges*, Slip Op. at 23 (emphasis added).

Some of the largest publicly traded corporations in the world signed that brief, demonstrating that this issue had already been settled in the mainstream business community. By 2012, the vast majority of Fortune 500 companies prohibited workplace discrimination based on sexual orientation, setting a higher standard than the law required.

That didn't happen by accident. Much of it happened, company by company, due to the hard work of investors who believe that discrimination is bad for business. Companies were persuaded through letters from their shareholders, face to face meetings and the submission of shareholder proposals that were put to a vote at company annual meetings across the country. Some of these dialogues took years to achieve success.

The **Domini Social Equity Fund** played a small part in these efforts, convincing several companies to amend their non-discrimination policies to include "sexual orientation," and voting for shareholder proposals submitted by others. A small change brought about by your mutual fund can have ripple effects throughout society.

This work helped to lay the groundwork for marriage equality by changing perceptions in the investor and business communities, strengthening the notion that an employee's sexual orientation or gender identity has nothing to do with their ability to perform on the job. We explained that corporations would benefit by greater employee loyalty and commitment. They would also gain the ability to recruit from the broadest possible pool of talent.

In the world of finance, the phrase "domestic equity" does not refer to marriage equality, it refers to the stock of American companies. But the word "equity" has a double-meaning. After all, a system that is fundamentally unfair is also not good for business in the long run.

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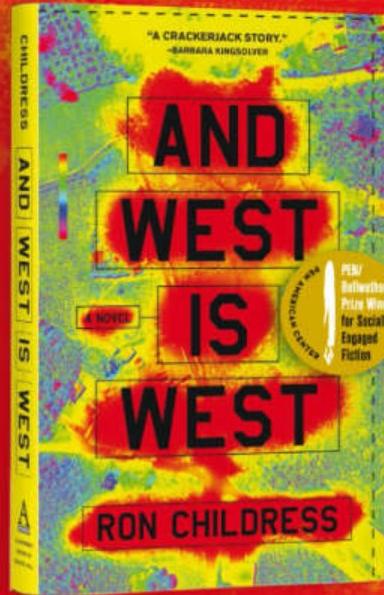
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Since being treated for multiple myeloma this spring,

1 Kevin Drum says the health care debate has become much more personal—and that his hair has started growing back ("Party of No Escape," page 5); check out an animated version of **2 Hudson Christie's** oven-baked sculpture at *MotherJones.com*. **Mark Schapiro** ("Over a Barrel," page 10) is the author of *Carbon Shock*. After digging into a Silicon Valley-like health records company, **Patrick Caldwell** wishes his office also had a tree house ("Epic Fail," page 19). Having spent three years covering mass shootings, **3 Mark Follman** was eager to investigate a possible solution ("Trigger Warnings," page 22). While in West Virginia ("The Fall of King Coal," page 30), **Tim Murphy** kept crossing the century-old path of labor leader Mary Harris "Mother" Jones, this magazine's namesake; Kentucky-born photographer **4 Stacy Kranitz** has extensively documented Appalachia. **Josh Harkinson** ("Cowed," page 42) still enjoys his milk and cereal, but he feels a bit guilty about it. **5 Pema Levy** used Florida's open-records law to obtain 1,400 pages of transcripts documenting Jeb Bush's treatment of ex-felons petitioning to restore their voting rights ("I'll Be the Judge of That," page 46). **6 Inae Oh** enjoyed having an excuse to binge rewatch *Transparent* before her Q&A with creator Jill Soloway ("Trans Mission," page 51).





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How to Cover Up the Pesticide Industry's GMO Scheme and New 2,4 D "Agent Orange" Crops

**SLATE'S WILLIAM SALETAN SHOWS
HOW IT'S DONE**

DAVID BRONNER CEO, Dr. Bronner's

There's been no shortage of journalists of late flacking for the pesticide and junk food industries regarding genetically engineered foods, aka Genetically Modified Organisms (GMOs). This coincides with the massive industry PR push behind the Safe and Affordable Food Labeling (SAFE) Act, ie. the Deny Americans the Right to Know (DARK) Act, which will stop states from requiring disclosure of GMO foods. Easily fooled and blind to their bias, these journalists focus on irrational or fringe elements in the movement to label GMO foods, celebrate commercially insignificant examples of GMOs, and cover up that over 90% of GMO food acreage is engineered by chemical companies to survive huge doses of

genetic engineering. I want to take you down into the details of four GMO fights, because that's where you'll find truth. You'll come to the last curtain, the one that hides the reality of the anti-GMO movement. And you'll see what's behind it."

He then spends 5,000 plus words discussing genetically engineered virus-resistant papaya that represents less than 0.001% of GMO crop acreage worldwide, and beta-carotene-enriched genetically engineered rice that represents exactly zero percent. Only at the end of the article does Saletan devote any attention to the real concern driving the modern GMO labeling movement: that pesticide companies are engineering major food crops to survive huge volumes of the toxic weed killers they sell. And even then he lays down pesticide industry spin that Glyphosate—

their killing power on bees, pollinators and other non-target wildlife. (See former EPA Senior Scientist Dr. Ray Seidler's "Pesticide Use on Genetically Engineered Crops.")

Up until 2011 I myself was a sucker for industry-fed propaganda served up by the likes of Saletan, that GMOs were mostly nutrient-enriched drought-tolerant yield-boosted crops that require less pesticides. But then the government deregulated "Round-Up Ready Alfalfa" and the charade was over: GMOs are about chemical companies engineering crops to tolerate huge doses of the weed killer they sell. Alfalfa isn't even generally sprayed with herbicide in the first place. A huge swath of the American public woke up to the fact that GMOs are really about pesticide companies selling pesticides, and the modern GMO labeling movement was born. Commercially insignificant GMOs like GMO papayas, rice, apples and potatoes are red herring distractions and not the issue. Herbicide-tolerant 2,4 D & Glyphosate food crops are what's for dinner and should be Exhibit A when discussing labeling GMOs. And regardless of potential risks, just as consumers have a right to know if orange juice is from concentrate or if vanilla is artificial, they have a right to know if food has been genetically engineered.

Journalists covering science, agriculture and food need to wake up to the influence and track record of the pesticide and junk food industries, and stand up for the public interest.

weed killer. Rather than sound the alarm that the pesticide industry's new 2,4 D herbicide-tolerant GMO crops were recently greenlighted for planting this spring by industry-friendly regulators, these journalists bury the fact they are destined for our dinner plates this fall.

William Saletan of Slate, prominent spoon-fed banger of drums in support of war in Iraq, recently stepped up to show fellow media lackeys how best to swallow and regurgitate pesticide and junk food talking points on GMOs, and advised Americans they don't need to know what they eat and feed their families. In his article, "Unhealthy Fixation" Saletan states:

"If you're like me, you don't really want to wade into this issue. It's too big, technical, and confusing. But come with me, just this once. I want to take you backstage, behind those blanket assurances about the safety of

the main herbicide GMOs are engineered to tolerate whose use has skyrocketed on food—is "safer," even though the World Health Organization determined earlier this year that Glyphosate is a "probable carcinogen" (which he alludes to only by hyperlink without explicitly stating and interfering with his argument.) Even more egregiously, he fails to state that the pesticide industry's next generation "stacked" herbicide-tolerant GMO crops also tolerate huge amounts of 2,4 D, an older toxic herbicide that composed one-half of the dioxin-contaminated defoliant Agent Orange.

Saletan also blithely asserts that genetically engineered Bt insecticide in GMO corn has led to a reduction of insecticide use, failing to mention that use of systemic neonicotinoid insecticides on GMO corn has skyrocketed from zero to almost 100% in the past twelve years—pesticides which are banned in the EU due to



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Journalists covering science, agriculture and food need to wake up to the influence and track record of the pesticide and junk food industries, and stand up for the public interest. These industries are desperately trying to force the DARK Act through Congress. This bill would pre-empt citizens' rights to enact mandatory GMO labeling, and its backers are counting on clueless journalists to help them do it. But hopefully our elected representatives will stand up for our simple right to know if our food is engineered to be saturated in toxic herbicide—a right citizens in 64 other countries already have.

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WEDGE OF ALLEGIANCE

PARTY OF NO ESCAPE

Republicans failed to kill Obamacare—and painted themselves into a corner.

Has any piece of legislation in American history held on by its fingertips more dramatically than the Affordable Care Act? Let's review the tape.

In 2009, it passed in the Senate by a margin of zero votes. In 2010, thanks to some fancy parliamentary maneuvering, it survived the loss of the Democrats' filibuster-proof majority after Sen. Ted Kennedy's death. In 2012, it squeaked through a Supreme Court challenge after Chief Justice John Roberts reportedly changed his vote. It hung on again later that year when President Barack Obama won reelection. In 2013 came the disastrous rollout of its website, and in 2015, yet another unsuccessful Supreme Court challenge. And along the way it outlasted more than 50 attempts by congressional Republicans to repeal all or part of it.

For six years, Obamacare has been the ultimate Republican punching bag. It helped win the party a landslide victory in the 2010 midterms. Repealing it has consistently been an applause line for conservative politicians. And even now that it's up and running pretty successfully, poll after poll shows at least 40 percent of the public still disapproves of it.

All this means that Obamacare should be a killer issue for Republicans in 2016. It's fragile, it's unpopular, it's hated by the base, and this is their last realistic chance to repeal it. If they don't take the presidency and both houses of Congress next year, they'll have to wait until 2020 for another opportunity. By that time, the law will have been in place for a decade, and it will be covering upward of 20-25 million people. While that might not be enough to make it as beloved as Social Security or Medicare, it's

certainly enough to make it politically unassailable. Conservatives have been warning for years that if Obamacare doesn't get repealed *this instant*, it will soon be too late. This time they're finally right.

And yet, so far the issue has been oddly MIA in the Republican primary. Chants of "repeal and replace" are still around, but they have a distinctly pro forma ring to them. Obamacare was barely mentioned in the first Republican debate, eclipsed by Donald Trump, border walls, and ISIS. And even if a Republican wins the White House next fall, conservative health care wonks have nearly given up on enacting anything more than a partial rollback of the law.

So what happened? What killed off the frenzied demands to destroy Obama's signature achievement?

The most obvious answer is that conservatives have been whipping up outrage about the law for so long that even its most ardent haters are exhausted. What's more, it's much harder to take away a benefit that lots of people are actually relying on than to repeal a theoretical one.

But Obamacare's foes running out of steam is just the most obvious sign of a larger trend: A lot of traditional conservative issues are losing their momentum. Gay marriage lost its fear factor years ago and was taken off the table once and for all by the Supreme Court in June. The economy is probably in good enough shape to not be a big campaign issue. Taxes have already been lowered so much that the average family pays only about 5 percent of its earnings to the IRS. And 14 years after 9/11 and four years after Osama bin Laden's death, accusing liberals of being spineless on terrorism no longer packs the same punch.

True, Republicans still have a short list of hot-button topics that inflame their base, but increasingly these are wedge issues that promise nearly as much downside as upside. Immigration is the most visible example. Hysteria over border walls, birthright citizenship, and anchor babies risks losing Hispanics to the Democratic Party for good—something the GOP can ill afford. And the problems go far

beyond immigration. Republican voters aren't sold on the idea of Iraq War 2.0, and as a result even the most hawkish candidates are unwilling to propose sending more than a few thousand troops to fight ISIS. Even abortion runs the risk of becoming a wedge issue for the party as activists demand that candidates take extreme positions such as opposing exceptions for rape, incest, or the life and health of the mother, even though these are popular among most Republican voters.

This is the point at which liberals are supposed to sneer that the GOP is now the party of no new ideas. But that's not really fair. The difference between the two parties isn't so much one of ideas, but of unity

in a 50-50 nation even small changes in support are enough to make these wins more difficult. Gerrymandering and incumbency effects may keep Republicans in partial control of Congress for a while longer, but the presidency is slipping out of their reach.

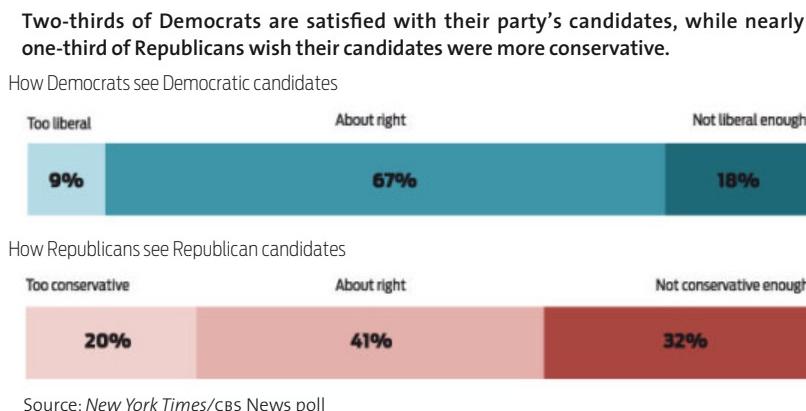
There are no obvious solutions. If Republicans move to the center—as Democrats did in the '80s—they risk losing the support of their base. If they move to the right, they lose moderates and independents. Arthur Brooks, president of the conservative American Enterprise Institute, acknowledged this conundrum recently when he told the *Washington Post* that "Republicans need to recognize this and change the terms of the conversation—or they'll pay the price for decades."

Every party faces conflict between its center and its base, but the emergence of the tea party and the Fox News echo chamber has put this dynamic on steroids. Moving even to the moderate right, let alone to the center, is all but impossible for the GOP. Its base demands not just a border fence,

but the repeal of the 14th Amendment; not just opposition to gun control, but rejection of universal background checks, which even the National Rifle Association used to support; not just skepticism about climate change, but insistence that global warming is a grand hoax perpetrated by liberals to subvert the free market.

But if Republican candidates appeal to nativism, they lose the Hispanic vote. If they appeal to social conservatives, they lose the millennial vote. If they appeal to older white voters, they energize black voters and do the Democrats' grassroots organizing for them. And if they throw up their hands and rely on endless hysteria about Benghazi and Hillary Clinton's email server, they lose everyone. In an era when the inmates are running the asylum, it's not just Obamacare bashing that's become a double-edged sword for Republicans. It's nearly everything they've relied on for the past three decades.

Increasingly, this is the GOP's true dilemma. It's not the party of no ideas; it's the party of no escape. —Kevin Drum



Source: New York Times/cbs News poll

behind those ideas. Thirty years ago, Democrats were the ones torn apart by wedge issues: affirmative action, crime, abortion, taxes. These tensions haven't gone away completely—just look at Black Lives Matter activists heckling Sen. Bernie Sanders—but they no longer dominate the party. Now the tables have turned. A recent survey showed that nearly half of Democrats agreed with their party's core position on at least six of seven major issues. Only a quarter of Republicans were in such broad agreement with their party. And the discord is coming at the worst possible time, just as long-term demographics are starting to seriously eat into their base.

Millennials, the most socially liberal generation ever, are increasing their share of the electorate as more conservative cohorts die off. And every year, the racial minority share of the population rises by 0.4 percent. The net result is simple: Every four years, roughly 2 percent of the population leans further left. It's a slow enough process that Republicans can still win presidential elections, but

HOUSES OF THE HOPEFULS

Assessing the 32 homes of the 21 major presidential candidates

Trump

\$120 M

MOST EXPENSIVE:

\$100 MILLION

Donald Trump's Fifth Avenue penthouse



\$3M

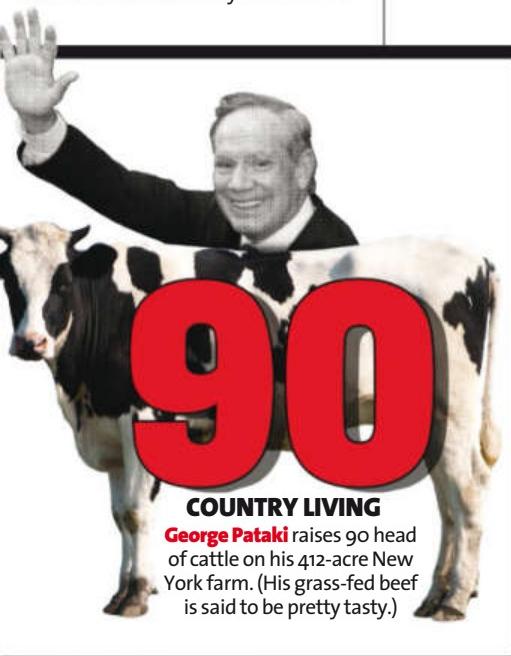
LEAST EXPENSIVE:

\$100,000

Rick Santorum's Pennsylvania house

MEDIAN VALUE OF A HOUSE IN IOWA:

\$127,000



COUNTRY LIVING

George Pataki raises 90 head of cattle on his 412-acre New York farm. (His grass-fed beef is said to be pretty tasty.)

Donald Trump's
39,000 ft²
Seven Springs estate

AREA MAN

The largest residence is Trump's country house in Bedford, New York. The 55-room mansion, built from hand-carved granite, sits on 230 acres and includes an indoor pool encased in white marble and a basement bowling alley—just like the White House.

Average size of candidates' houses—not including Trump's: **4,440 ft²**

Median size of an American house: **1,800 ft²**

Bernie Sanders' 890 ft²
condo in Washington, DC



Visitors to **Trump's** gold- and diamond-accented Manhattan penthouse must wear booties to protect the floors.

FAMILY VALUES

How the total value of each candidate's houses and residential properties stacks up

All candidates combined—except Trump



Does not include governors' mansions. Gov. Bobby Jindal's house is under construction. Based on candidates still standing in mid-September.

—Gregory Barber

AGORA-PHOBIA

SPAM ARTISTS

A little-known company has made a killing selling Bible cures and apocalyptic stock tips to the conservative base.

*Dear Reader,
I hope you're sitting down.
This is a fascinating story with implications for every American.
It involves some of Washington's biggest names.
It's about a company that's made a major breakthrough that's made a few lucky people rich.
It starts with a secret buried in an ancient text.
And also, oddly enough, Mike Huckabee.*

Last year, a man named Brian Chambers announced a world-changing advance: An international research organization called the Health Sciences Institute had found an incredible cure for cancer hidden in the Book of Matthew. For just \$74, you, too, could discover the secret.

That was the breathless pitch emailed to hundreds of thousands of Huckabee's followers in January, beneath a "special message" from the Republican presidential candidate trumpeting "important information." Upon closer inspection, the divine remedy—eating fewer carbs—was never recommended by St. Matthew. Chambers is not a doctor, and the studies on starvation diets he cited make no mention of "cures."

The Health Sciences Institute is part of a company called NewMarket Health, which is just one asset of a Baltimore-based publishing empire named Agora Inc. Agora's subsidiaries and affiliates publish more than 40 newsletters and sell more than 300 books on a range of topics, including biblical health tips, natural-healing supplements, and "insider" investment advice—a mix of ideas the company considers the intellectual equivalent of the marketplace of ancient Athens. To find new readers for its ever-expanding catalog of publications, Agora's subsidiaries have tapped into a network of conservative heavyweights, including Huckabee, Ron Paul, and Newt Gingrich, who sell access to their massive email lists to advertise Agora's products.

Gingrich sent out more than a dozen Agora-related emails after he dropped out of the 2012 race, including one from an in-



vestment newsletter warning that Obama might seek a third term (*sell, sell, sell!*). In April, Paul appeared in a 51-minute video for an Agora subsidiary in which he argued that the United States was on the verge of martial law and societal collapse. The libertarian patriarch, whose own *Survival Report* newsletter once played to its white readers' worst fears, urged viewers to buy a newsletter subscription to find out more. Conservative outlets including *National Review* and *Townhall* have also rented their email lists to Agora subsidiaries. While it's not unusual for publications (including *Mother Jones*) to send sponsored messages to their subscribers, Agora's emails skirt the line between spammy and scammy. An email sent last year to followers of the popular right-wing site *RedState* on behalf of the Health Sciences Institute claimed that the Obama administration was blocking a miracle cure that "vaporizes cancer in six weeks."

These disingenuous endorsements for dubious products epitomize what historian Rick Perlstein has dubbed "mail-order

conservatism," the monetization of right-wing paranoia that started in the 1970s and has flowered ever since a secret Muslim socialist won the White House. Glenn Beck, like many of his talk-radio colleagues, has warned of the collapse of the global financial system while shilling for gold companies. Conservative operatives have created a booming field of "scam PACs," political action committees that ostensibly raise money to help popular candidates but don't produce much more than big checks for direct-mail firms. Confronted by *Politico*, Erick Erickson, *RedState*'s editor-in-chief, said, "It horrifies me that the list sometimes get[s] rented to some of these guys." And Agora has played the game of stirring up and cashing in on the conservative psyche longer and better than most of its competitors.

Agora was founded in 1978 by Bill Bonner, a Sorbonne-educated direct-mail guru who realized his natural gift while working for the National Taxpayers Union in the 1970s. The company estimates that its affiliates generate \$500 million annually. Bonner and his wife own a 27-bedroom, 18th-century château outside Paris, a ranch in Argentina, properties in Ireland and Nicaragua, and "Maryland's premier goat-cheese-producing rural estate." Agora has also renovated 10 mansions in Baltimore. "These buildings reflect the grace and elegance of the 19th century," Bonner told the *Baltimore Sun*. "They cause us to aim for a higher standard for our products and ourselves." (Through a spokeswoman, Bonner politely declined a request to speak for this article.)

Bonner recognized well before Donald Trump that paranoid populism can be sold with the trappings of prestige. His audience, he once told an interviewer, is people who "want to be richer, happier, healthier, more productive. We try to go directly to those emotional points."

One of Agora's many holdings is the Oxford Club, an international investing society whose name evokes cognac and rich mahogany. Indeed, the perks of club membership include occasional soirees and access to one of Agora's mansions and "outposts" in cities around the world. But the club's origins are less refined. In the 1980s, a businessman named Joel Nadel founded the Royal Society of Liechtenstein. When the Better Business Bureau



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complained that this was a misleading name for a company headquartered in Boca Raton, Florida, Nadel switched to the Oxford Club. In 1991, the Postal Service froze nearly \$7 million of Nadel's assets on charges that he was running an illegal sweepstakes. Bonner pounced. He acquired the seemingly toxic asset and hired former Rep. Robert Bauman, a once-prominent Maryland Republican who had lost his seat after being accused of propositioning a 16-year-old male prostitute, to expand the brand. Somehow it worked.

The company's big break came in the mid-'90s, when conservative angst over President Bill Clinton reached a fever pitch. An Agora subsidiary sent out a 116-page book titled *Who Murdered Vince Foster?* that framed the demise of the presidential lawyer as "the biggest financial story of our lifetimes." Another pitch warned of a coming global plague "like the Black Death." Gary North, a Christian Reconstructionist historian who works closely with Paul, came aboard as one of Bonner's star writers. (Sample pitch: "Four Horsemen of the Modern Financial Apocalypse.") In 1994, the company's newsletter sales doubled.

Agora and its subsidiaries have been accused of crossing the line between aggressive salesmanship and deception. In 2002, Frank Porter Stansberry, the editor of an Agora-owned newsletter called *Pirate Investor*, emailed 800,000 subscribers to suggest that he had "super insider" information on an imminent nuclear disarmament deal that could "double your investment dollar in a single day." For \$1,000, he would fork over the specifics. More than 1,200 copies of the report sold, for a net profit of \$626,500.

The Securities and Exchange Commission accused *Pirate Investor* and Stansberry of fraud. The newsletters, the feds argued, "contain nothing more than baseless speculation and outright lies, fabricated to induce investors to pay Agora (or its subsidiaries) for subscriptions or purported inside information." A document cited during court proceedings said that following this type of financial advice was "no better than throwing a dart at the stock quotes page of the *Wall Street Journal* and buying whatever it hits." Although he had told his readers otherwise, Stansberry never acted on his own hot stock tip. Stansberry and his company were eventually ordered to pay \$1.5

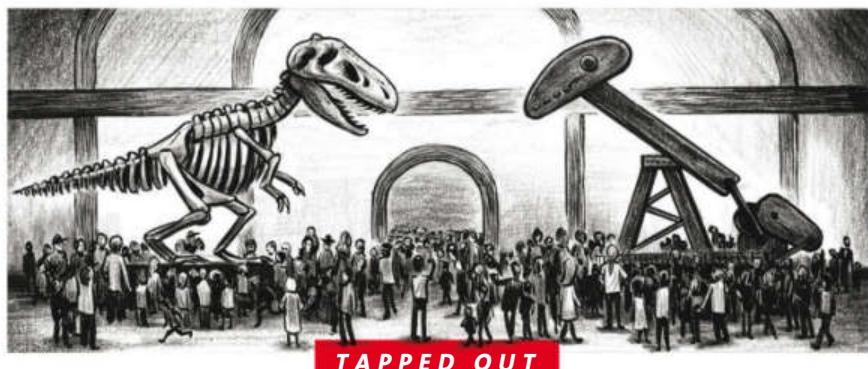
million in penalties and restitution. (Agora was cleared of wrongdoing.)

In 2011, Stansberry's company paid a \$55,000 penalty to the Social Security Administration for promising customers they could "get Social Security no matter what your age." In 2012, the Food and Drug Administration warned Agora that a brand owned by another of its subsidiaries was illegally touting a health supplement as an anti-cancer drug. (The brand now describes the product as an immune system booster.) Last year, after an investigation by the nonprofit watchdog Truth in Advertising, Stansberry removed hundreds of customer testimonials from his company's website and promotional materials.

But who needs customer testimonials when politicos come so cheap? Access to Huckabee's email list reportedly cost

NewMarket Health only about \$1,000 for 300,000 addresses. When CNN asked the former Arkansas governor about the Bible-cure email, Huckabee argued that he wasn't responsible for sponsored emails sent out to his supporters. "My gosh, that's like saying, 'You run some ads on CNN, do you personally agree with all the ads that run on CNN?' I doubt you do," he told anchor Jake Tapper. Pressed further on the email's "hucksterism," Huckabee responded, "I didn't actually run that part of my company." But that email was just one of his recent endorsements of questionable products aimed at his fans. A few months earlier, Huckabee had taped an ad for a product that promised to cure diabetes using an item from your kitchen cabinet. Spoiler: It's cinnamon.

—Tim Murphy



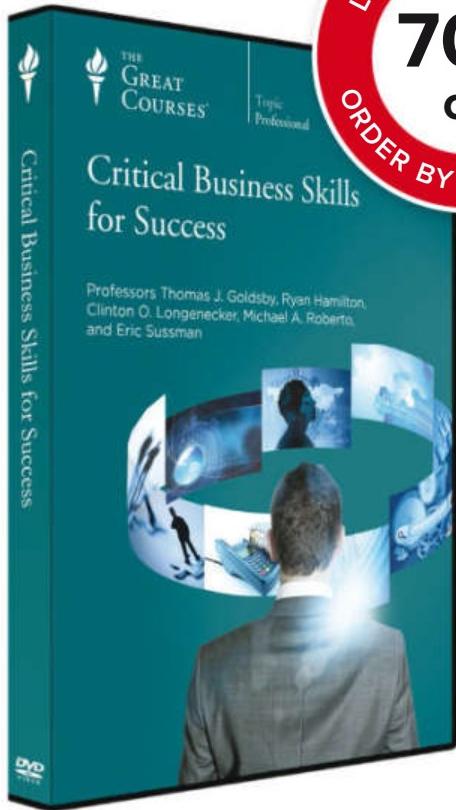
OVER A BARREL

The era of Big Oil may be ending—and shareholders are noticing.

One morning in May, Danielle Fugere tried to convince America's second-largest oil company to get out of the oil exploration business. Standing before a room full of Chevron shareholders in San Ramon, California, she warned that climate change and rapidly shifting oil markets were threatening to erode the corporation's profits.

Fugere, president of the shareholder activist group As You Sow, pointed out that Chevron—the world's largest corporate source of carbon dioxide emissions—has spent billions of dollars searching for new, often remote sources of oil that will take years to tap. How, she wondered, can the company remain profitable when it faces plummeting crude oil prices and looming restrictions on fossil fuel use? Rather than funding long-term projects that might never pay off, she argued, Chevron could return the money as dividends or steer it into less risky ventures like renewable energy. "Oil that stays in the ground is valueless," she said.

The proposal garnered less than 4 percent of Chevron's shareholder votes. But warnings about oil's uncertain future are no longer just coming from climate activists. From Wall Street analysts to Middle Eastern bankers, some of Big Oil's former cheerleaders are starting to sound the alarm, questioning whether the industry can stay on its current course and remain in the black. "They're in a vise," says Mark Lewis, chief energy



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The Searcher

PHOTOGRAPHS BY CHRIS GREGORY



In September 2014, 43 students from a teachers' college disappeared from the town of Iguala, in Mexico's Guerrero state. What exactly happened to them is still a disturbing mystery; so far, the remains of only one student have been found. Miguel Ángel Jiménez Blanco (above) headed a community effort to scour the countryside around Iguala for the missing students, leading search parties that uncovered grim evidence of dozens of other disappearances and killings. In August, Jiménez was discovered shot to death. "Despite the personal risk he faced in doing the job," says photographer Chris Gregory, "he felt that somehow it made Mexico a safer place for his children."

economist at the international financial consulting firm Kepler Cheuvreux. "You have economics and technology on one side of the vise. And you have politics, the push for climate action, on the other side."

Start with the tumbling price of oil. Finding new sources of petroleum, especially when they're deep beneath the sea or buried in layers of shale, is extremely expensive, so energy companies need prices to stay reliably high. In 2014, Goldman Sachs cautioned investors that the largest new drilling projects needed to earn at least \$90 per barrel to break even. The World Bank says one-third of current oil production and two-thirds of future reserves could be uneconomical even at \$60 per barrel. In August, the price dipped below \$40, the lowest in more than six years.

Over the past year, ExxonMobil and Chevron's earnings have slumped by more than 50 percent; their stock prices (as well as those of Shell, ConocoPhillips, and BP) dropped by as much as one-third in the first eight months of 2015. In July, Standard & Poor's downgraded Shell's credit rating, partly in response to the company's controversial efforts to drill in the Arctic and other pricey exploratory projects. Kepler Cheuvreux reports that the industry's expenditures on developing new oil sources have increased 120 percent since 2000, while supplies of crude have increased just 11 percent. Investing \$100 billion in solar or wind power, the firm's analysts conclude, would produce far more energy in the long term than an equivalent investment in oil. "The rules of the game for upstream oil and gas companies have changed," says Lewis. "Every year they have to replace cheaper legacy barrels with more expensive barrels."

One explanation for falling prices is the glut of cheap domestic oil from the fracking boom. But the industry is also confronting what Bloomberg energy analysts have characterized as a "demand shock." California's new regulations on fuels' carbon intensity and the Obama administration's aggressive fuel efficiency standards, scheduled to take effect in 2025, are steering carmakers toward designs that use less gasoline. "We're on the opposite side of the oil companies in the battle over the low-carbon fuel standard," says General Motors spokesman Shad Balch. "The first company with a no-gas car wins." Citi's commodity research team predicts these factors, combined with the rising use of natural gas, will cause the rate of US oil consumption to peak by 2030. In August, the Interior Department reported an almost unprecedented lack of interest in purchasing leases for new wells in the Gulf of Mexico. And the National Bank of Abu Dhabi recently concluded that developing wind or solar capacity in the Middle East would be cheaper than building a new oil-fired power plant, even if the price of oil drops to \$30 per barrel.

Oil companies will also be in a quandary if prices at the pump go back up. Higher prices could make hybrids, electric vehicles, and mass transit more attractive than conventional cars. According to a Bloomberg analysis, even if the cost of gasoline averaged just \$2.09 per gallon, electric vehicles' penetration of the US car market would rise from 1 percent to 6 percent by 2020; at \$3.34 per gallon, it would

jump to 9 percent. (In the first eight months of 2015, the average price of a gallon of regular gas nationwide was \$2.53.)

And it's becoming more expensive to burn fossil fuels. The European Union, parts of China, California, and several other states have imposed some sort of direct price on carbon emissions. Rising pressure from the public as well as climate negotiators preparing to gather in Paris in December suggest these policies will continue to spread. If the cost of greenhouse gas emissions rises high enough, fossil fuel reserves could turn into so-called "stranded assets," meaning it would no longer make financial sense to exploit them. ExxonMobil and other American oil companies have already started integrating hypothetical carbon costs into their internal accounting, preparing for the inevitable drop in demand that will kick in if policymakers can agree on a universal price tag.

The new realities facing the energy sector are reflected in Bloomberg's 2013 decision to display companies' fossil-fuel-related risks

on the omnipresent terminals that deliver financial data to investors. Such liabilities, however, do not have to be reported in public financial statements. In 2010, the Securities and Exchange Commission asked publicly traded companies to voluntarily report their financial risks from climate change. So far, not even 15 percent of S&P 500 companies have bothered to do so.

Meanwhile, overseas investors have had more success in prod-

ding the industry to make changes that it has thus far been able to dodge in the United States. In January, Royal Dutch Shell shareholders enlisted management support for unprecedented emissions disclosures and a suggestion that executive compensation be linked with planning for a carbon-constrained energy market. In April, just before Chevron stockholders ignored Fugere, BP's shareholders agreed to similar policies.

So while the oil industry isn't going away anytime soon, the barrel it is over is increasingly hard to ignore. —*Mark Schapiro*

EXPENSE REPORT

U.S. OUT OF UTAH NOW!

Republicans are latching onto one man's quixotic crusade to grab millions of miles of federal land in the American West.

As a young man, Ken Ivory served as a Mormon missionary in Guatemala. These days, he's still looking for converts. Ivory, a Republican state representative from a Salt Lake City suburb, has spent the past three years traveling the American West to convince state and local officials that they can claim millions of acres of federal land to use as they wish.

The federal government owns 47 percent of the 11 Western states. Much of this land is controlled by the Bureau of Land Management and is open for hunting, ranching, logging, mining, and drilling. Usually, these public lands can only change hands with approval from Congress—something that isn't going to happen anytime soon.

Nevertheless, Ivory's concept has caught on. The Republican National Committee has endorsed the idea of turning over federal land to the states, and in March, the Senate passed a budget amendment sponsored by Sen. Lisa Murkowski (R-Alaska) that would create a fund for selling or transferring the land. Sen. Ted Cruz (R-Texas) has set forth a proposal that the federal government cannot own more than half the land in any state. Sen. Rand Paul (R-Ky.) has also endorsed state or private

control of federal land. "You run into problems now with the federal government being, you know, this bully," Paul told a crowd in June before meeting with Cliven Bundy, the Nevada rancher who refused to pay more than \$1 million in fees for grazing his cattle on federal land.

The idea of taking over federal property makes for an easy sound bite, says David Garbett, staff counsel for the Southern Utah Wilderness Alliance, a preservation group. But, he explains, "Every time people look at the arguments, and they have time to think and to evaluate what this is all about, it fails." Ronald Reagan campaigned as "one who cheers and supports" the late '70s Sagebrush Rebellion, but once he was in the White House, the push to sell off federal land stalled.

No Western state has been as enthusiastic about a landgrab as Utah. In 2012, it passed the Transfer of Public Lands Act, which demanded the feds hand over some 31 million acres, potentially opening them up to even more coal mining and oil and gas extraction. An analysis commissioned by the Legislature found that the state would incur huge expenses if it suddenly gained all that land. (Its costs for firefighting on public land would increase sixfold; Ivory has suggested reducing fire risks with more logging.) That fat price tag is one reason former Arizona Gov. Jan Brewer, a Republican, vetoed a land

transfer bill similar to Utah's. Nonetheless, the Utah state Legislature has approved spending up to \$2 million to prepare to sue the federal government.

The usual suspects are backing Ivory. He sits on the federalism committee of the American Legislative Exchange Council. His nonprofit, the American Lands Council (ALC), is largely funded by local and county governments eager to gain control of land in their communities. It has also taken funding from utility companies and Americans for Prosperity, the dark-money group founded by the Koch brothers.

**SEN. RAND PAUL
SAYS THE FEDERAL
GOVERNMENT IS
A "BULLY." SEN.
TED CRUZ HAS
PROPOSED THAT
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MORE THAN HALF
THE LAND IN ANY
STATE.**

In 2013, more than 50 percent of the funds the ALC raised went to Ivory and his wife, who together were paid more than \$100,000. The Campaign for Accountability, a Washington, DC-based watchdog group, has asked attorneys general in Utah, Arizona, and Montana to investigate Ivory for allegedly peddling "demonstrably untrue statements" about constitutional law while soliciting checks from government officials. Anne Weismann, the group's executive director, says the ALC "just reeks of the classic snake oil salesman." (Montana's AG has declined to investigate.)

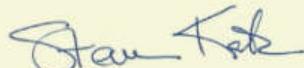
Ivory dismisses the accusation as "an absolutely ridiculous political stunt. That's how DC does things. That's not how Utah does things." —*Stephanie Mencimer*

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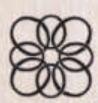
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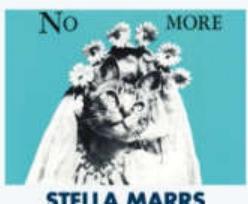
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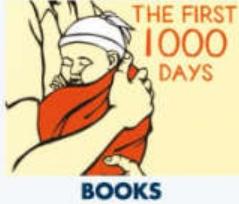
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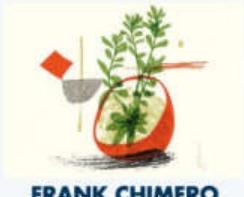
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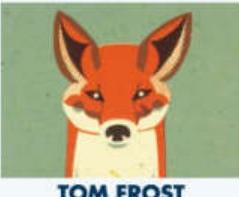
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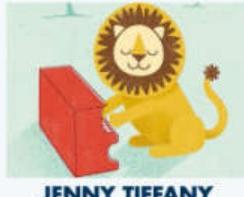
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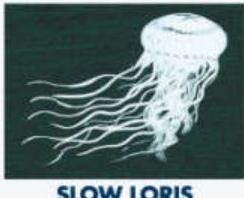
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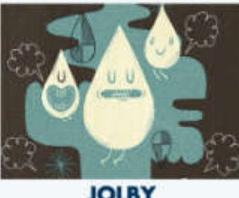
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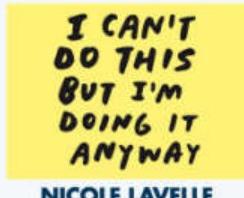
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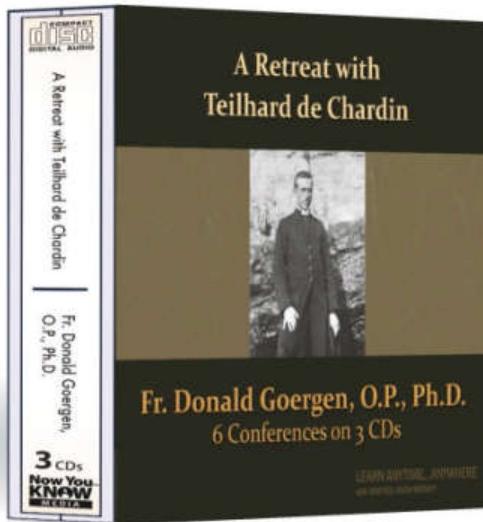


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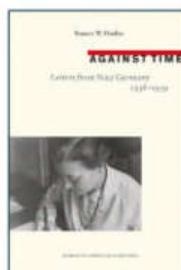
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Out of Nazi Germany in Time, a Gift to American Science: Gerhard Schmidt, Biochemist

B. David Stollar

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Against Time: Letters from Nazi Germany, 1938-1939

Frank Hoeber

**Transactions 105,
Part 1 - \$37 Paper
ISBN: 978-1-60618-051-8**

Johannes Höber left Nazi Germany for America in November 1938. His wife Elfriede was unable to leave for another year, after the outbreak of World War II. Fifty years later, their son discovered the letters this brilliant couple exchanged during the tumultuous months they were separated. *Against Time: Letters from Nazi Germany, 1938-1939* collects those letters with an introduction, notes and an epilogue that set the letters in the context of their time. Together, the letters portray the intense relationship of a fascinating couple in a critical period in world history.



**The Rothschilds and the Gold Rush:
Benjamin Davidson and Heinrich Schliemann in California, 1851-52**

Giles Constable

**Transactions 105,
Part 4 - \$37 Paper
ISBN: 978-1-60618-054-9**

In this extraordinary monograph, based on a totally new array of sources, Giles Constable successfully chronicles the month to month, quarter to quarter cash transactions and other business between the Rothschild ownership and their agents in Sacramento, Benjamin Davidson and Heinrich Schliemann. In doing this, the author succeeds in presenting a case study embracing both the macroeconomics of the California Gold Rush vis-a-vis international finance as well as the microeconomics of as close as one can come to day-to-day issues of credit, cash exchange, wealth transference, insurance and risk as experienced between 1851 and 1852.

EPIC FAIL

Digitizing America's medical records was supposed to help patients and save money. Why hasn't that happened?

BY PATRICK CALDWELL

Nestled in the gently rolling hills of Verona, Wisconsin, a small Madison suburb, is the 1,000-acre "Intergalactic Headquarters" of Epic Systems, the multibillion-dollar company that claims its software manages medical records for 179 million Americans—or 56 percent of the country. Epic's HQ features a conference room tucked in a tree house. There's a Dungeons & Dragons-themed building with a moat and a replica drawbridge. One corridor is modeled to resemble a New York City subway car, complete with a statue of a homeless guy asleep on a bench. A group of Harry Potter-inspired office buildings dubbed the "Wizards Academy" is currently under construction.

EMILIANO PONZI



Judith Faulkner, Epic's 72-year-old founder and one of just 18 women on *Forbes*' list of self-made billionaires, often dresses in costume (Lucille Ball, a Hogwarts wizard) at the company's annual meeting, which draws thousands of hospital executives and IT officers to the company's 11,400-seat Deep Space Auditorium. Her motto: "Do good. Have fun. Make money."

She's solid on the second two points. Thanks to the White House's stimulus-era initiative to bring the health care industry into the digital age, her company has grown into the country's leading vendor of software in the \$9.3 billion electronic health records (**EHR**) sector. Epic pulled in \$1.8 billion in 2014 and is expanding at a rate of about 1,000 new employees a year. Kaiser Permanente, cvs's Minute Clinics, Johns Hopkins, and Mount Sinai all use Epic.

But instead of ushering in a new age of secure and easily accessible medical files, Epic has helped create a fragmented system that leaves doctors unable to trade information across practices or hospitals. That hurts patients who can't be assured that their records—drug allergies, test results, X-rays—will be available to the doctors who need to see them. This is especially important for patients with lengthy and complicated health histories. But it also means we're all missing out on the kind of system-wide savings that President Barack Obama predicted nearly seven years ago, when the federal government poured billions of dollars into digitizing the country's medical records.

"Within five years, all of America's medical records are computerized," he announced in January 2009, when visiting Virginia's George Mason University to unveil his stimulus plan. "This will cut waste, eliminate red tape, and reduce the need to repeat expensive medical tests."

Unfortunately, in some ways, our medical records aren't in any better shape today than they were before.

THIS IS A personal issue for me—I'm one of those Americans with a dizzyingly complex medical history. In April 1997, two months shy of my 11th birthday, I was diagnosed with acute lymphoblastic leukemia. Over three years of chemotherapy—and the seizures, spinal compression fractures, sepsis infections, and debilitating nerve pain that came with it—I

amassed a thick file of prescriptions filled, body parts scanned, and blood sampled.

Before each visit to a new specialist, my mom and I trekked down to the basement records department of Children's Hospital Minneapolis and waited for someone to photocopy reams of paper and films. Then we schlepped to the appointment with folders of X-rays, blood tests, and scribbled doctors' notes of varying intelligibility. More often than not, they'd order yet another round of tests—an extra round of be-

*EPIC IS LIKE THE
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COMPONENTS ARE KIND
OF MEH.*

ing poked and jabbed for me personally, and a small part of the testing redundancies that add an estimated \$25 billion to the nation's health care costs.

The expensive (and potentially life-threatening) problems associated with the country's antiquated, hodgepodge health records system were exactly what the Obama administration set out to solve in early 2009. At the time, only 17 percent of doctors stored information digitally, and studies suggested that while Obama's proposal could cost up to \$100 billion to implement, it could ultimately save \$80 billion in health costs each year. When Congress passed the \$840 billion stimulus package, it allotted \$30 billion for hospitals and medical providers to digitize their records via the Health Information Technology for Economic and Clinical Health (**HITECH**) Act. So far, the government has forked over \$28 billion to doctors and hospitals to install **EHR** systems.

Despite the acronym, the **HITECH** Act wasn't particularly tech-forward. When it took effect, storing files in the cloud seemed like uncharted territory for most physicians, who worried about privacy breaches. Hospitals and doctors defaulted to hosting their own files on local servers.

Epic was shovel ready for this stimulus windfall. Faulkner's company was one of the few software vendors back then offering an all-in-one package covering a hospital's recordkeeping needs. There's Cadence, a scheduling application. Haiku syncs with mobile devices. ASAP plans ER visits. Stork takes care of deliveries and prenatal care. MyChart is a web interface for patients to view their own records. All together, it's like the Microsoft Office of health care software—more comprehensive than any of its competitors, even if its individual components are kind of meh.

"What you hear is that, if you were to buy the best of breed—the best cardiology system, or the best chemotherapy system—no one would ever choose Epic," says Julia Adler-Milstein, a University of Michigan researcher who studies health care IT. As it stands, she says, using Epic is easier than trying to piece together better options from various software vendors. On top of that, Epic will tailor each installation on-site to a customer's specific needs. What it doesn't have—and ditto systems created by competitors Cerner and Meditech, the other bigwigs in **EHR**—is a framework to connect to other facilities using competing **EHR** systems.

In terms of bringing digital records to practices across the country, the **HITECH** Act has unquestionably succeeded: The percentage of US hospitals using digital records skyrocketed from 9.4 to 75.5 percent between 2008 and 2014. But the **HITECH** Act didn't prioritize "interoperability"—the ability to transfer a medical file from one hospital to another. Unless programmers ensure that their system properly integrates with another, a doctor's computer might spit out something akin to emoticons when queried for key test results.

A 2014 **RAND** report singled out Epic as a roadblock to interoperability. With the company's rise, researchers wrote, came an increasingly walled-off system. "By subsidizing 'where the industry is' rather than where it needed to go," the report said, the government propped up an **EHR** market "that did not have the level of connectivity envisioned by the authors of the **HITECH** Act."

The year before, Epic's rivals had banded together to create the CommonWell Health Alliance Partnership, a nonprofit trade association devoted to setting standards for the exchange of information.

Today, the group boasts 28 members and some of the biggest players in the market—except Epic, which has instead prioritized making it easier for hospitals using its software to share information with each other. (The company says it facilitates the exchange of almost 20 million patient records each month.) Epic does work with hospitals and practices to link its system with competing ones, but it usually charges top dollar to do so.

Meanwhile, Faulkner—Epic’s CEO and a major Democratic donor—landed a spot in 2009 on the Obama administration’s Health IT Policy Committee, which helped shape the regulations guiding health care software and pushed to rapidly implement EHR in hospitals without first figuring out how to trade records between different systems. And since last year, Epic has paid lobbyist Bradford Card, the brother of George W. Bush’s former chief of staff, more than \$130,000 to convince members of Congress that the company plays well with others. Card has said Epic has been the “subject of misinformation” suggesting “they’re not interoperable, when in fact they are.”

Epic is not the only barrier to a seamless medical records system. Thanks to legislative maneuvering by former Rep. Ron Paul (R-Texas) in 1999, the federal government can’t fund any sort of system with unique health care identification numbers. (Paul saw individual medical IDs as further creep of Big Brother.) Social Security numbers aren’t a good fill-in; they’re not on insurance cards, and in April Obama signed a bill that will strike them from Medicare cards in order to reduce identity theft.

The upshot is that according to a government report released in August, only 56 percent of hospitals had received electronic records from other practices in the past year—and just 40 percent of those had successfully merged the information into their own databases. A recent study by the American Medical Association and the online network AmericanEHR Partners found that 43 percent of physicians thought their software actually made their jobs *more* difficult. Doctors are investing the time to input data, but their offices are still having to fax and mail records like they did a decade ago. Less than 10 percent of hospitals say they’ve been able to trade records entirely through their digital systems.

LAST SPRING, five Republican senators wrote a letter to federal regulators asking, “What have the American people gotten for their \$35 billion investment?” Digitization of records was supposed to “save the Medicaid and Medicare programs \$12.5 billion through 2019,” they wrote, but those savings have yet to materialize, and “the cost of sharing data among different vendors” has prevented doctors at competing practices from swapping patient information.

Two weeks later, Peter DeVault, Epic’s director of interoperability, appeared before the Senate to explain how hospitals and doctors with competing software could view information stored by Epic. First, DeVault said, Epic would have to link each system that a hospital wanted to access—a labor-intensive process for which it charged an hourly fee. Once linked, hospitals could trade information, but only by paying an additional fee: “We charge on a per-patient, per-year basis—so it’s not per transaction—and it’s the same whether that patient is sent to 100 different places or one other place. And that charge is \$2.35,” DeVault said. Rather than building a nationwide system to make its software connect to different vendors, Epic, like its competitors, charged hospitals for every patient who wanted to access information outside of its software. (Shortly after the hearing, the company, along with other major EHR firms, announced it would suspend the fees.)

A few weeks later, Dr. Karen DeSalvo, head of the Office of the National Coordinator for Health Information Technology, submitted a 39-page report to the Senate detailing concerns that, along with charging the fees, EHR companies were engaging in “information blocking” “to control referrals and enhance their market dominance.” DeSalvo admitted that her office had been unable to determine the extent of information blocking or company specifics because hospitals and doctors had been made to sign contracts with gag orders prohibiting the discussion of contract terms, “as well as any opinions or conclusions about the performance or any other aspects of the developer’s health IT.” The ONC may not like the gag orders, but it has no power to police them. In September, it launched a website where hospitals and doctors can lodge complaints against specific EHR firms.

There have been other signs that the government has had enough with Epic. A

massive contract to overhaul and modernize the Department of Defense’s health records, worth up to \$9 billion over the next 18 years, had long been expected to go to the company. But in July, the Pentagon announced it had instead chosen Cerner to provide the software to serve 9.5 million DOD beneficiaries. Jonathan Woodson, the assistant secretary of defense for health affairs, stressed that the Pentagon believed it was “very important to have a highly integrated system that is portable. The private sector has to position itself to be more interoperable.”

The criticism has Epic retrenching. A spokesman told *Mother Jones* that the company has long supported “sharing patient records wherever the patient goes.” At the same time, Epic declined interview requests. “We’ve become a little uncharacteristically media exposed in recent months,” the spokesman said, “and I sense that the pendulum is headed back to a quieter spell.”

But Epic is probably here to stay, especially given the incredible investments hospitals have made to implement its system—Duke University, for example, reportedly spent \$700 million on its Epic installation. That doesn’t mean Americans have to accept the status quo. According to Adler-Milstein, the University of Michigan researcher, “What we can do is force them to open up their system a little more, so that it plays better with others.” She hopes increased scrutiny pushes the company to publish its API—the code that lets others access information in its system—to allow other firms to build more user-friendly software.

The sooner the better for people like me. When I moved to Washington, DC, five years ago, I entered a cancer survivorship clinic at George Washington University. In addition to running annual tests to make sure chemo hasn’t left lingering damage to my heart or liver, the clinic is designed to offer survivors a single repository for our vast health records.

But thanks to the ecosystem set up by Epic and others, I don’t have peace of mind that my medical history would be available in a pinch. I live closer to two other hospitals. Should an emergency happen, an ambulance would probably take me to one of them. Neither uses the same EHR firm as George Washington, which means my records could remain frustratingly out of reach, just when I need them most. ■

INSIDE
THE
RACE
TO
IDENTIFY
AND
STOP
THE NEXT
MASS
SHOOTER

TRIGGER WARNINGS

BY MARK
FOLLMAN

SOON AFTER THE

school year started in September 2000, a police officer working at McNary High in Keizer, Oregon, got a tip about a junior named Erik Ayala. The 16-year-old had told another student that “he was mad at ‘preps’ and was going to bring a gun in.” Ayala struck the officer as quiet, depressed. He confided that “he was not happy with school or with himself” but insisted he had no intention of hurting others. Two months later, Ayala tried to kill himself by swallowing a fistful of Aleve tablets. He was admitted to a private mental health facility in Portland, where he was diagnosed with “numerous mental disorders,” according to the police officer’s report.

To most people, Ayala’s suicide attempt would have looked like a private tragedy. But for a specialized team of psychologists, counselors, and cops, it set off alarm bells. They were part of a pioneering local program, launched after the Columbine school massacre the prior year, to identify and deter kids who might turn violent. Before Ayala was released from the hospital, the Salem-Keizer school district’s threat assessment team interviewed his friends, family, and teachers. They uncovered additional warning signs: In his school notebooks, Ayala had raged about feeling like an outsider and being rejected by a girl he liked. He had repeatedly told his friends that he despised “preps” and wished he could “just go out and kill a few of them.” He went online to try to buy a gun. And he’d drawn up a hit list. The names on it included his close friend Kyle, and the girl he longed for.

The threat assessment team had to decide just how dangerous Ayala might be and whether they could help turn his life around. As soon as they determined he didn’t have any weapons, they launched a “wraparound intervention”—in his case, counseling, in-home tutoring, and help pursuing his interests in music and computers.

“He was a very gifted, bright young man,” recalls John Van Dreal, a psychologist and threat assessment expert involved

A HISTORY OF VIOLENCE

MASS SHOOTINGS ARE BECOMING MORE COMMON—AND DEADLIER.



THE FREQUENCY OF MASS SHOOTINGS HAS TRIPLED SINCE 2011.

BETWEEN 1982 AND 2011,
A MASS SHOOTING OCCURRED IN
THE UNITED STATES EVERY

200
DAYS.

BETWEEN 2011 AND 2014, A MASS SHOOTING OCCURRED EVERY

64
DAYS.

OF THE 13 MASS SHOOTINGS WITH DOUBLE-DIGIT DEATH TOLLS OVER THE PAST 50 YEARS,

7

TOOK PLACE IN THE LAST 9 YEARS.

Sources: Harvard School of Public Health, Congressional Research Service

in the case. “A lot of what was done for him was to move him away from thinking about terrible acts.”

As the year went on, the team kept close tabs on Ayala. The school cops would strike up casual conversations with him and his buddies Kyle and Mike so they could gauge his progress and stability. A teacher Ayala admired would also do “check and connects” with him and pass on information to the team. Over the next year and a half, the high schooler’s outlook improved and the warning signs dissipated.

When Ayala graduated in 2002, the school-based team handed off his case to the local adult threat assessment team, which included members of the Salem Police Department and the county health agency. Ayala lived with his parents and got an IT job at a Fry’s Electronics. He grew frustrated that his computer skills were being underutilized and occasionally still vented to his buddies, but with continued counseling and a network of support, he seemed back on track.

The two teams “successfully interrupted Ayala’s process of planning to harm people,” Van Dreal says. “We moved in front of him and nudged him onto a path of success and safety.”

But then that path took him to another city 60 miles away, where he barely knew anyone.

THIS PAST AUGUST, I traveled to Disneyland to join more than 700 law enforcement agents, psychologists, and private security experts from around the country at the annual conference of the Association of Threat Assessment Professionals. While families splashed in the Disneyland Hotel’s pools and strolled to the nearby theme park, conference attendees sat in chilly ballrooms for sessions like “20 Years of Workplace Shootings” and “Evil Thoughts, Wicked Deeds.”

After a day of talks focused on thwarting stalkers and preventing the next Sandy Hook, it seemed incongruous to emerge to throngs of overexcited kids and their weary parents enjoying the nightly fireworks. But it is no coincidence that Disney plays host to this conference. As gun rampages have increased, so have security efforts at public venues of all kinds, and threat assessment teams can now be found everywhere from school districts and college campuses to

corporate headquarters and theme parks. Behind the scenes, the federal government has ramped up its threat assessment efforts: Behavioral Analysis Unit 2, a little-known FBI team based in Quantico, Virginia, now marshals more than a dozen specialists in security and psychology from across five federal agencies to assist local authorities who seek help in heading off would-be killers. Those calls have been flooding in: Since 2012, the FBI unit has taken on more than 400 cases.

The conference keynote was given by Reid Meloy, a tall, white-haired forensic psychologist from the University of California-San Diego who is a leading researcher in the field. His presentation was peppered with gallows humor—a clip from *Breaking Bad*, a photo of Jack Nicholson “playing himself” in *The Shining*—and professional koans. “Monitor your own narcissism,” he warned the assembled investigators. “This is going to be easier for some of you to get than others,” he quipped, flashing an image of Donald Trump.

There was a simple reason, Meloy suggested, for the record number of people packing the room: Mass murder is on the rise. “We’ve seen this very worrisome pattern over the past five or six years of an increase in targeted violence in public places,” he told me later. “Personally and professionally, this is a big concern—that uptick is very important, especially as violent crime has decreased.”

Threat assessment is essentially a three-part process: identifying, evaluating, and then intervening. A case usually begins with a gut feeling that something is off. A teacher hears a student’s dark comments and alerts the principal, or someone gets freaked out by a coworker’s erratic behavior and tells a supervisor. If the tip makes its way to a local threat assessment team, the group quickly analyzes the subject’s background and circumstances. They may talk with family, friends, or coworkers to get insight into his intentions, ability to handle stress, and, most importantly, potential plans to strike. “One of the first things you focus on with this process is access to weapons,” Meloy notes. Like the group that handled Ayala’s case, the team draws on mental health and security expertise. Possible responses range from helping the subject blow off steam and refocus on school or work to providing longer-term

counseling. If violence seems imminent, involuntary hospitalization or arrest may be the safest approach.

But such drastic measures are rare. “With a lot of these cases, you peel back the curtain and there are good social and mental health interventions that are diverting the person onto a better course,” Meloy says. Often the best initial step is the most direct—conducting a “knock and talk” interview, which has the dual benefit of offering help and putting the subject on notice. Simply realizing that authorities are watching can be an effective deterrent.

Threat assessment requires a remarkable shift in thinking for law enforcement because in most cases no crime has occurred. “Our goal is prevention over prosecution,” supervisory special agent Andre Simons, who led the FBI unit until this summer, explained when we met at the bureau’s headquarters in Washington earlier this year. “If we can facilitate caretaking for individuals who are not able to perceive alternatives to violence, then I think that’s a righteous mission for us.”

Ever since Columbine, the FBI has been studying what drives people to commit mass shootings. Last fall it issued a report on 160 active-shooter cases, and what Simons could disclose from its continuing analysis was chilling: To a much greater degree than is generally understood, there’s strong evidence of a copycat effect rippling through many cases, both among mass shooters and those aspiring to kill. Perpetrators and plotters look to past attacks for not only inspiration but operational details, in hopes of causing even greater carnage. Emerging research—including our own analysis of the “Columbine effect” (see page 27)—could have major implications for both threat assessment and how the media should cover mass shootings.

In October 2013, then-Attorney General Eric Holder announced that Simons’ FBI unit had helped prevent almost 150 attacks in one year. The nearly two dozen experts I spoke with didn’t like to be so definitive, noting that it’s impossible to prove a negative. But many cited cases in which they believed threat assessment teams had prevented great harm. Sergeant Jeff Dunn, who leads the Los Angeles Police Department’s Threat Management Unit, described a firefighting recruit who became enraged when he failed out of the

MASS MURDER IS NOT AN IMPULSIVE CRIME—AND THEREIN LIES THE PROMISE OF THREAT ASSESSMENT.

academy. “He told another recruit, ‘When they fire me, I’m gonna come back here and fucking massacre everyone.’” Academy officials alerted the LAPD, and Dunn’s unit got a search warrant for the recruit’s home. “This guy was absolutely geared to go to war,” Dunn said. His arsenal included nearly a dozen semi-automatic handguns and assault rifles and a homemade explosive device. “Had there not been an intervention of some sort,” Dunn said—in this case, an arrest on a felony weapons charge—“I have no doubt that it would’ve resulted in an active-shooter scenario.”

But cases often aren’t so clear. One of the biggest challenges for threat assessment teams is that sometimes the quieter, less outwardly threatening subjects can prove the most dangerous. “When there are individuals who prompt a sense of anxiety or fear but no law or policy has been broken,” Simons says, “that’s the real work.” Of the hundreds of subjects tracked by the FBI unit, he told me, only one went on to injure somebody. But measuring the effectiveness of threat assessment is tricky because ultimately there is no way of knowing whether someone would have otherwise gone on to attack.

Meloy compares the challenge to fighting cardiovascular disease: Doctors can’t predict whether someone will have a heart attack, but they can do a lot to decrease the risk. “You try to lower the probability.”

WHEN THE NEXT shooting happens at a school, an office building, or a movie theater, the question will again be asked: “What made him snap?” But mass murder is not an impulsive crime. Virtually every one of these attacks, forensic investigations show, is a predatory crime, methodically planned and executed. Therein lies the promise of threat assessment: The weeks, months, or even years when a would-be killer is escalating toward violence are a window of opportunity in which he can be detected and thwarted.

A growing body of research has shed light on this “pathway to violence.” It often begins with an unshakable sense of grievance, which stirs thoughts about harming people and leads to the planning and preparation for an attack. Elliot Rodger, convinced that women were unfairly denying him sex, seethed for months and fantasized about a “day of retribution” before he bought firearms, scouted sorority houses, and went on to kill 6 people and injure 14 others near Santa Barbara, California, in May 2014.

A confluence of behaviors can indicate that someone is poised to walk into a school or a shopping mall and open fire. These include an obsession with weapons, a fixation on images of violence, and a history of aggressive acts that aren’t directly related to the planned attack—possibly a way for the perpetrator to test his resolve. Almost a year before Rodger struck, he attempted to push some women off a 10-foot ledge at a house party. Some killers have mutilated pets before going on rampages.

In fact, the vast majority of mass shooters signal their intentions in advance, though usually not directly to their intended targets. This “leakage,” as threat assessment teams call it, can be difficult to recognize. Before Dylann Roof killed nine black churchgoers in Charleston, South Carolina, he told a friend about his desire to kill people and start a race war. (The friend claimed he didn’t think Roof was serious.) Weeks before Rodger attacked, he posted disturbing videos that prompted his mother to alert a county mental health agency that he was suicidal. In response, sheriff’s deputies went to Rodger’s apartment for a welfare check, interviewing him just a few strides from where he’d stashed three handguns and hundreds of rounds of ammunition. He persuaded them he was

fine. "Thankfully, all suspicion of me was dropped," he later wrote, "and the police never came back."

We know that many mass shooters are young white men with acute mental health issues. The problem is, such broad traits do little to help threat assessment teams identify who will actually attack. Legions of young men love violent movies or first-person shooter games, get angry about school, jobs, or relationships, and suffer from mental health afflictions. The number who seek to commit mass murder is tiny. Decades of research have shown that the link between mental disorders and violent behavior is small and not useful for predicting violent acts. (People with severe mental disorders are in fact far more likely to be victims of violence than perpetrators.)

That's why sizing up a suspect's current circumstances is crucial: Did he recently get fired from a job? Did he lose his kids in a nasty custody battle? Is he failing out of school or abusing drugs? Investigators also look for visible signs such as deteriorating hygiene or living conditions, which is why approaching someone directly and building rapport can be so important.

"Most people who have a psychotic episode aren't thinking violently," explains Mario Scalora, a forensic psychologist at the University of Nebraska-Lincoln. But for those who are experiencing psychosis—including 80 percent of stalkers who target public figures—intervention can head off disaster. Scalora describes the case of a student he calls Bob who experienced a psychotic break in his early 20s. Scalora's campus threat assessment team grew concerned after getting a tip about Bob muttering to himself and making ominous comments. They sent plainclothes detectives to his residence, where on the wall of his room hung a grotesque theater mask whose mouth had been sewn shut with black string. Bob said that voices were commanding him to hurt people at the behest of God, and that he was scared. The detectives persuaded him to check into a psychiatric ward for evaluation. "This made him feel cared for," Scalora says, "and gave us a mechanism by which we could continue to manage him. By building rapport with him, we're learning a lot about him and getting rich assessment data, and in the meantime he's not stalking people on our campus. It's a win-win."

When the lead detective followed up with Bob a couple of days into his hospital stay, he asked her, "Can you go to my room and get the mask, and this big knife that's under my bed? I don't want them anymore."

THE CONCEPT OF cops and mental health experts working hand in hand to stop violent crimes before they occur is relatively new. Its origins trace in part to a summer morning in West Los Angeles. Shortly after 10 a.m. on July 18, 1989, a 21-year-old actress named Rebecca Schaeffer was getting dressed for a meeting with Francis Ford Coppola about a role in the next *Godfather* movie when her apartment buzzer sounded. The intercom was broken, so Schaeffer went to the front door, where a young man stood holding a shopping bag. Nineteen-year-old Robert Bardo had been trying to reach Schaeffer for two years, writing her fan letters and periodically taking a bus from Tucson to LA to look for her. He'd never been able to get onto the soundstage where Schaeffer filmed the sitcom *My Sister Sam*, but he'd finally found her address.

Bardo had already dropped by that morning, according to his own account, and Schaeffer had chatted with him politely. But now she was anxious. "You came to my door again," she said. "Hurry up, I don't have much time." Bardo later recalled, "I thought that was a very callous thing to say to a fan." In his bag he had a letter and a CD he wanted to give her. He also had a .357 Magnum handgun. A neighbor heard Schaeffer scream as Bardo fired a single shot into her chest.

Until then, obsessive behavior that could turn violent was still widely viewed as a mental health issue beyond the purview of law enforcement, even after the attacks on John Lennon and Ronald Reagan and a spate of government workers "going postal." But Schaeffer's murder shocked Hollywood, and studio heads called for action by the LAPD, which was already frustrated by its inability to stop a string of stalking murders of nonfamous women. The LAPD devised a plan for a multidisciplinary team that would aim to head off such crimes.

The LAPD Threat Management Unit's mission expanded in 1995 after a city electrician, angry about a poor performance evaluation, walked into the Piper Tech center downtown and shot four supervisors to death. "Piper Tech" became shorthand for

the rising wave of workplace threats the unit began to confront. (It currently handles about 200 cases a year, roughly half of which are workplace related.) Meanwhile, in Washington, DC, the Secret Service had also been developing tenets of threat assessment, led by a former agent from Reagan's security detail. But for most cops, close collaboration with mental health experts remained unheard of. And the idea of intervening before there was a crime to investigate went against everything they knew from their training. "It requires a paradigm shift," says the LAPD's Dunn. "So many in law enforcement don't recognize how useful a tool this can be."

Then came Columbine.

AS THEY PLOTTED for months to slaughter their classmates, Eric Harris and Dylan Klebold weren't just driven by rage and depression—they wanted to be immortalized and to inspire future school shootings. In diary entries and videos, the duo fantasized about Hollywood directors fighting over their story. They filmed themselves firing guns and yelling into the camera about killing hundreds and starting a "revolution."

Such "legacy tokens" now often include manifestos posted online by perpetrators. "They do this to claim credit and to articulate the grievance behind the attack," says the FBI's Simons. "And we believe they do it to heighten the media attention that will be given to them, the infamy and notoriety they believe they'll derive from the event."

There has long been evidence that stalkers and mass murderers emulate their famous predecessors. Before Bardo gunned down Schaeffer, he sent a letter to Mark Chapman, imprisoned for the 1980 murder of John Lennon. When Bardo fled from Schaeffer's building, among the items he discarded was a copy of *The Catcher in the Rye*, the novel Chapman infamously sat down to read after shooting Lennon. John Hinckley Jr. had a copy of the book and a John Lennon photo calendar in his hotel room when he tried to assassinate Reagan in 1981. Forensic psychologists describe this phenomenon as following a "cultural script," or the "Werther effect," referring to a spate of copycat suicides in 18th-century Europe after the publication of Goethe's novel *The Sorrows of Young Werther*.

The Columbine killers authored a grimly

THE COLUMBINE EFFECT

AN OBSESSION WITH THE 1999 SCHOOL RAMPAGE HAS MOTIVATED DOZENS OF SHOOTING PLOTS AND ATTACKS.

On April 20, 1999, two teenage boys fatally shot 13 people and injured 24 others at Columbine High School in Littleton, Colorado. A Mother Jones investigation shows that the nation's worst high school shooting has inspired at least 72 plots or attacks in 30 states.

—Mark Follman and Becca Andrews

KNOWN COPYCAT CASES



THE OVERALL TOLL



94%

OF THE PLOTTERS WERE **MALE**. ONLY 4 CASES INVOLVED WOMEN ACTING ALONE—NONE RESULTED IN ATTACKS.

THEIR AVERAGE AGE WAS **17**

12

CASES INVOLVED PLOTTERS WHO HOPED TO SURPASS THE CARNAGE OF THE COLUMBINE SHOOTING. PLOTTERS IN AT LEAST **9** CASES CITED THE COLUMBINE SHOOTERS AS HEROES, IDOLS, MARTYRS, OR GOD.



PLOTTERS MADE PILGRIMAGES TO COLUMBINE WHILE PLANNING ATTACKS. **2** OF THEM LATER LAUNCHED ATTACKS. THE THIRD PLOT WAS THWARTED.

53%
OF THE CASES INVOLVED GUNS.

18%
INVOLVED BOMBS OR EXPLOSIVES.

14%
INVOLVED KNIVES.

14

ATTACKS WERE PLANNED FOR AN ANNIVERSARY OF THE COLUMBINE ATTACK. **12** OF THESE PLOTS WERE THWARTED. **2** WERE ULTIMATELY CARRIED OUT ON DIFFERENT DATES.

compelling new script at the dawn of the internet age. Sixteen years later, the Columbine legacy keeps reappearing in violent plots, driven in part by online subcultures that obsess over the duo's words and images. "It's a cult following unlike anything I've ever seen before," says one longtime security specialist.

To gauge just how deep the problem goes, *Mother Jones* examined scores of news reports and public documents and interviewed multiple law enforcement officials. We analyzed 72 plots and attacks across 30 states whose suspects and perpetrators claimed to have been inspired by the Columbine massacre. Law enforcement stopped 51 of these plots before anyone was harmed. Twenty-one plots evolved into attacks, with a total of 89 victims killed, 126 injured, and nine perpetrators committing suicide.

The data reveals some disturbing patterns. In at least 14 cases, the suspects aimed to attack on the anniversary of Columbine. (Twelve of these plots were thwarted; two attacks ultimately took place on different dates.) Individuals in 12 cases indicated their goal was to outdo the Columbine body count. And in at least nine cases the suspects referred to Harris and Klebold as heroes, idols, martyrs, or God.

At least three suspects made pilgrimages to Columbine High School—fulfilling the kind of “pseudocommando” mission that researchers have found mass shooters to be obsessed with. Two of them carried out rampages when they returned home—one at a college in Washington state and the other at a high school in North Carolina, using guns he’d decorated with pictures of the Columbine shooters. In another case, a 16-year-old from Utah flew to Denver without his parents’ knowledge, hired a driver to take him to Columbine, and met with the principal under the auspices that he was writing an article for his school newspaper. He was trying to elicit information on lasting trauma, according to a law enforcement official familiar with the case. “All he wanted to know about was what the students and staff felt like—how long it took them to recover and if they still thought about it,” the official says. The teen was arrested back home for plotting with a fellow student to bomb his own high school.

These publicly documented cases are just the beginning. “There are many more who have come to our community and have

ONE SECURITY EXPERT SAYS COLUMBINE HAS “A CULT FOLLOWING UNLIKE ANYTHING I’VE EVER SEEN BEFORE.”

been thwarted,” says John McDonald, the director of security for Colorado’s Jefferson County school district, where Columbine High School is located. “They want to see where it happened, want to feel it, want to walk the halls. They try to take souvenirs.” Some aspiring copycats have even come from overseas, says McDonald. “The problem is always on our radar.”

Gene Deisinger, a threat assessment pioneer who led Virginia Tech’s police force from 2009 to 2014, explains that the copycat effect also plays out at sites like Virginia Tech and Fort Hood. “Lots of the places that have experienced high-profile acts of mass violence over the last decade or more face ongoing threats from outsiders who identify with the perpetrators, the acts, or the places,” he says.

Major attacks motivate copycats in other ways. In April 2009, Jiverly Wong blocked the back exit of the building in upstate New York where he’d taken English classes and then used guns similar to those of the Virginia Tech shooter to kill 14 people and wound four others before shooting himself. “There was evidence that he had studied the attack at Virginia Tech,” a federal law enforcement official told me, “looking at the chaining of the doors there that had prevented both entry and exit.”

It’s not just Americans who emulate the killers of Columbine or Virginia Tech. Shooters inspired by these events have struck in Brazil, Canada, and Europe—particularly in Germany, where nine school shootings occurred in the decade after Columbine. At least three German shooters drew inspiration from Harris and Klebold, including an 18-year-old who referred to them as God and attacked his former school wearing a long black coat and wielding two sawed-off rifles, a handgun, and more than 10 homemade bombs.

When I asked threat assessment experts what might explain the recent rise in gun rampages, I heard the same two words over and over: social media. Although there is no definitive research yet, widespread anecdotal evidence suggests that the speed at which social media bombards us with memes and images exacerbates the copycat effect. As Meloy and his colleagues noted earlier this year in the journal *Behavioral Sciences and the Law*, “Cultural scripts are now spread globally...within seconds.”

In late August, this phenomenon reached its logical next step when a disgruntled former TV reporter gunned down two former colleagues during a live broadcast in Virginia while filming the scene on a camera. As he fled, he posted the footage on Twitter and Facebook. The first “social media murder” went viral in less than 30 minutes, raising the grim prospect that others will aim for similar feats—knowing that the news media will put them in the spotlight and help publicize their grisly images.

But just as digital media has created platforms for dangerous people seeking a blaze of notoriety, it has also become a valuable tool for identifying them. “We’re now seeing that shooters are announcing more frequently via social media just prior to attacking,” Simons says, noting that potential killers can otherwise be conspicuously withdrawn. “When people express violent ideation, what we’re looking for is: Who are they talking to? Who’s listening?” These days, he adds, “it’s possible they’re living more vividly online than in the physical world.”

ERIK AYALA COULD barely sleep. He hadn’t worked for months. He hardly ever talked to his two high school buddies anymore, even Mike, with whom he now shared an apartment in Portland. In the three years

since he'd moved there in 2006, he'd struggled to hold down a job or find a girlfriend. Now 24 years old, he was no longer in touch with the teams who had watched over him in his hometown for nearly five years. He had become increasingly withdrawn and often holed up in his bedroom playing Resistance: Fall of Man and other first-person shooter games.

On the morning of January 24, 2009, Ayala scribbled a note apologizing to his family and bequeathing his PlayStation 3, his car, and what little remained in his bank account to Mike. "I'm sorry to put all this on you buddy," he wrote. "I know it's not much consolation but as my friend and roommate you are entitled to everything that I own. Good luck in this fucked-up world." Then he grabbed the 9 mm semi-automatic he'd bought two weeks earlier at a pawnshop and headed downtown.

Just before 10:30 p.m., a group of teens waited in line outside the Zone, an all-ages dance club. Ayala didn't know anyone at the club, but to him it was a hangout for the kinds of kids he despised. In a matter of seconds Ayala fatally shot two teenage girls and wounded seven people, most of them also teenagers. As a security guard moved toward him, Ayala put the barrel under his chin and pulled the trigger one last time.

It was the worst mass shooting in Portland's history. Experts also cite it as a prime example of both the promise of threat assessment and its limitations. "Ayala ended up acting out his ideas from high school on a similar, if not the same, target population almost a decade later," Van Dreal says. That may suggest the two Oregon teams prevented Ayala from going on a rampage when he was younger, but it also reflects the daunting challenge of managing a potentially dangerous person over the long haul. Even if a troubled kid can be turned away from violence, how do you ensure he becomes a well-adjusted adult? What happens when he moves beyond the reach of those who have helped him? When is a case really over?

Others have fallen through the cracks, including James Holmes, who underwent threat assessment and psychiatric care at the University of Colorado-Denver before he dropped out, cut ties with the school, and carried out the movie theater massacre in Aurora. Jared Loughner, who

shot Rep. Gabrielle Giffords and 18 others in Tucson, Arizona, in 2011, had been booted out of Pima Community College after its threat assessment team looked at his disruptive behavior. Many mental health professionals still lack the training to evaluate potentially deadly people, says Deisinger, who is a psychologist as well as a cop. And they may be resistant to threat assessment's tactics and urgency.

"There's nothing more frustrating than hearing people say there's no way to stop these mass shootings from occurring," says Russell Palarea, a forensic psychologist and veteran of the Naval Criminal Investigative Service who now consults for private corporations. Like many in his field, Palarea believes the key is helping more people understand what threat assessment is and how it works—similar to the "see something, say something" campaign meant to help foil terrorist attacks. "The methodology is in place," he says. "We just need to train the public, law enforcement, prosecutors, hospital clinicians, and other professionals on their roles in helping to manage the threats."

The science behind threat assessment is still young, but it is attracting growing interest; last year the American Psychological Association launched the *Journal of Threat Assessment and Management*. The ranks of the Association of Threat Assessment Professionals are rising, and since Sandy Hook, more corporate leaders have taken an interest in the strategy. Three states—Virginia, Illinois, and Connecticut—now mandate threat assessment teams in their public colleges and universities. Virginia was the first to do so (after the Virginia Tech massacre in 2007) and now also requires them in all K-12 public schools.

But should a huge investment in threat assessment really be our only serious effort to stop mass shootings? Australia, another frontier culture with a deep attachment to guns, endured a slew of mass shootings starting in the 1970s. After a disturbed young man killed 35 people and wounded 18 others in 1996, the country invested heavily in gun buybacks and enacted stricter gun laws. Suicides and murders with guns declined dramatically, and Australia has had only one public mass shooting in the two decades since.

Possession of a firearm, of course, is not a meaningful predictor of targeted violence. But at the conference in Disneyland, virtu-

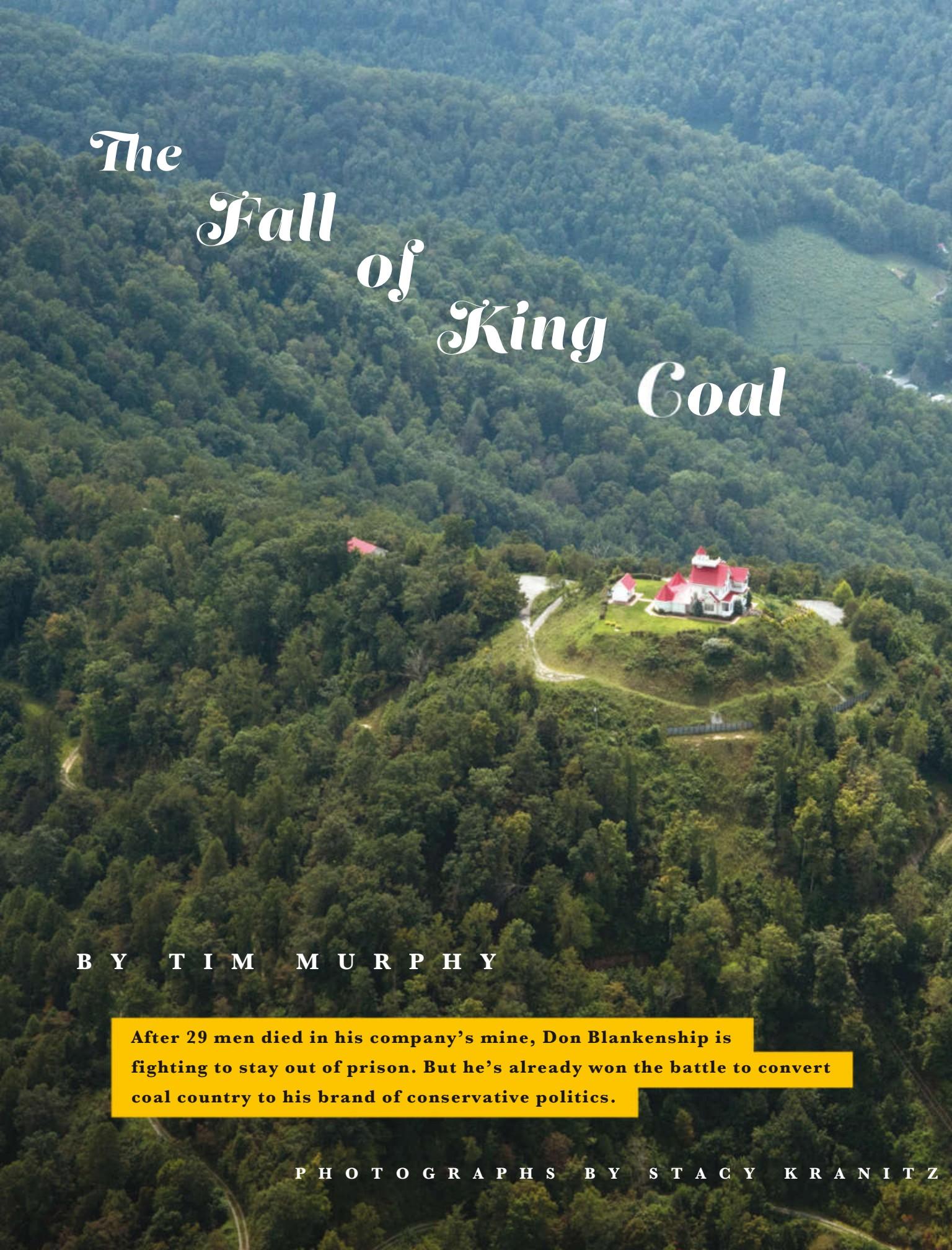
ally everyone I spoke with agreed that guns make these crimes a lot easier to commit—and a lot more lethal. "There are so many firearms out there, you just assume everybody has one," Scalora says. "It's safer to assume that than the opposite." The presence of more than 300 million guns in the United States—and the lack of political will to regulate their sale or use more effectively—is a stark reality with which threat assessment experts must contend, and why many believe their approach may be the best hope for combating what has become a painfully normal American problem.

In a sense, threat assessment is an improvisational solution of last resort: If we can't muster the courage or consensus to change our underlying policies on firearms or mental health care, at least we can assemble teams of skilled people in our communities and try to stop this awful menace, case by case.

KYLE ALEXANDER REMEMBERS how he and Erik Ayala met as freshmen in the high school marching band: They were both introverts who loved video games and commiserated about being misfits. Hours before Ayala carried out his attack in Portland, his roommate, Mike, called Alexander, who was living in Seattle. "He'd found the note and he sounded very frantic," Alexander recalls. "He wanted to see if I knew Erik's whereabouts." Alexander was worried but didn't know what he could do from so far away. Mike was also at a loss. "At the time we thought Erik was just going through another bad cycle of depression," Alexander says. "We never saw it coming."

Only recently did Alexander learn the full details of Ayala's case, including that he had once been on Ayala's hit list. "It was surprising, and scary to think about," he says. "Erik would go through very dark moods, but given the special relationship we had I was often able to help him turn things around." Alexander wishes he'd stayed closer with Ayala after high school. "The social relationship piece of it is big," he says. "I think it could've made a difference in his life."

Alexander is now 32 years old and lives in Salem, Oregon, where he works as a school psychologist. He is trained in threat assessment and works with school-based teams in his district. His passion is helping at-risk kids. ■



The Fall of *King* *Coal*

BY TIM MURPHY

After 29 men died in his company's mine, Don Blankenship is fighting to stay out of prison. But he's already won the battle to convert coal country to his brand of conservative politics.

PHOTOGRAPHS BY STACY KRANITZ



Don Blankenship's former
mountaintop retreat overlooking
Mingo County, West Virginia

THE PEOPLE OF the Kentucky and West Virginia borderland, where Don Blankenship's family has lived for generations, have always clustered, out of tradition and necessity, along river valleys and in low-lying hollows amid the nubby Appalachian peaks. The winding roads there, crumbling under the weight of overloaded Mack trucks, are lined with trailers like the one Blankenship grew up in, many with "Friend of Coal" placards in their windows. But at the peak of his 18-year reign as the CEO of coal giant Massey Energy—as if in a symbolic nod to his rise from hardscrabble roots—Blankenship erected a four-story villa that evoked a fairy-tale castle on a Kentucky mountaintop. It was a short helicopter ride from his primary home, a gated estate on the other side of the Tug Fork River. From a white tower atop his Massey-owned mountain retreat, Blankenship could look out on the coal yards and misty hollows of West Virginia's Mingo County like a king surveying his domain.

Blankenship earned his way to this summit by reducing many of the nearby mountaintops to heaps of gravel and harvesting the bituminous seams inside them to nearly triple his company's revenue. Heavyset and balding, with a slug of a mustache and anthracite eyes, he was a harsh taskmaster whose cutthroat management style transformed what was once a modest family business into the region's largest coal producer. In the process, he rose from a small-town accountant to a political heavyweight who dined at the White House and rocked out with Ted Nugent.

Blankenship cultivated an image as a Mingo County son made good—a good ol' boy who ran a multibillion-dollar company from a double-wide trailer. And he saw himself as a heroic figure

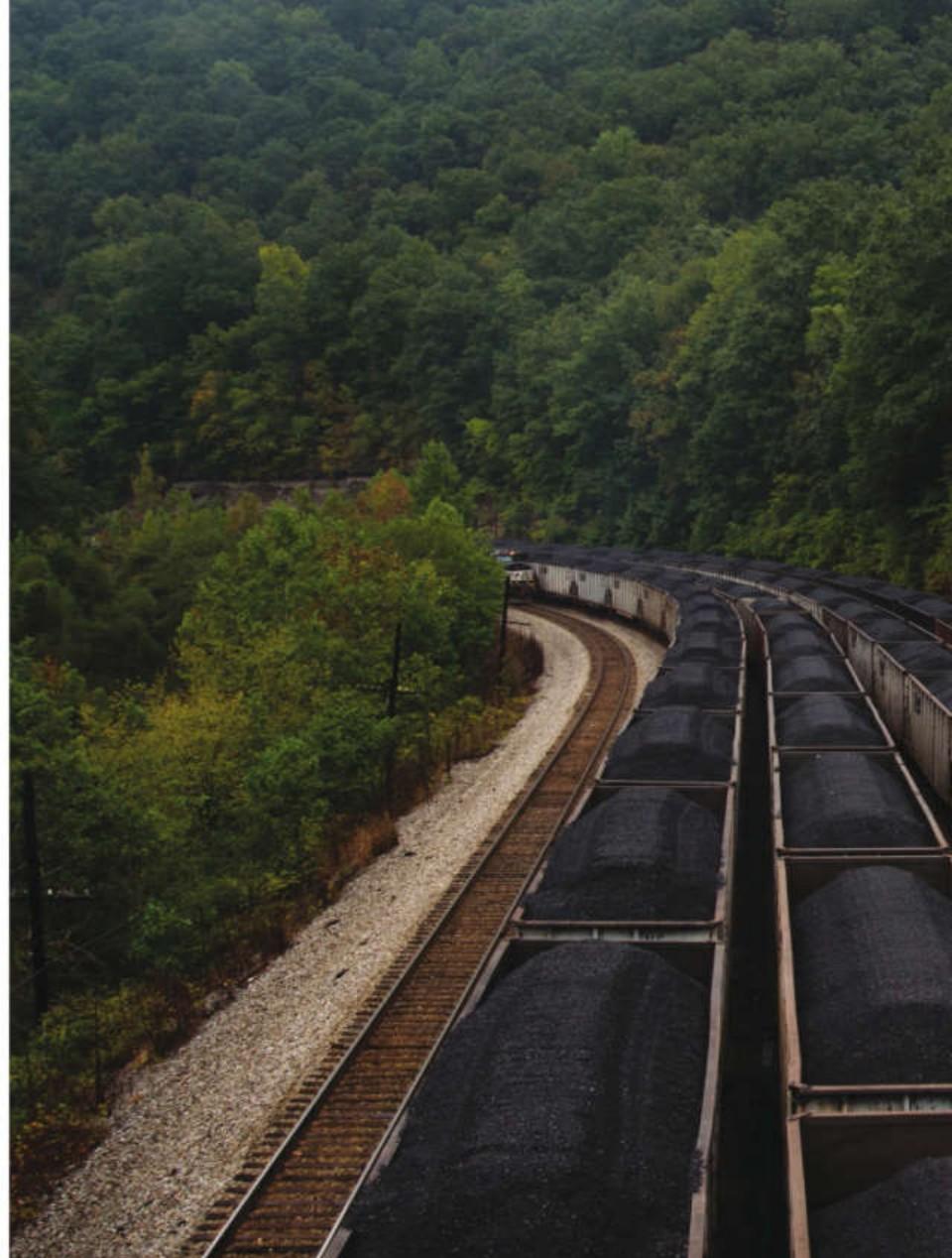
West Virginia is the nation's second-largest coal producer, but output has dropped by 43 million tons in the last six years.

who brought jobs to the depressed enclaves of his native West Virginia. But with his gaze fixed on the bottom line, Blankenship crushed the mine workers union that was baptized in his backyard. Voluminous court records and government investigations show that he presided over a company that padded its profits by running some of the most dangerous workplaces in the country. Massey polluted the waterways that had sustained Blankenship's forebears, rained coal dust on the schoolyards where his miners' children played, and subjected the men he grew up with in southern West Virginia to unsafe working conditions.

A mascot of the coal industry's worst excesses, Blankenship pumped millions of dollars into West Virginia's political system to promote an anti-regulatory agenda and curry favor with state lawmakers and officials. But Massey's pursuit of profits at any cost ultimately proved to be Blankenship's downfall. When, on April 5, 2010, an explosion at Massey's Upper Big Branch mine killed 29 workers—the worst mining disaster in the United States in 40 years—prosecutors began slowly building a case against the powerful mogul.

Last November, four years after Blankenship left Massey and the company was bought for \$8.5 billion by Virginia-based coal company Alpha Natural Resources, a federal grand jury indicted him for allegedly conspiring to commit mine safety violations, conspiring to cover up those violations, and providing false statements about his company's safety record. He could face more than 30 years behind bars.

Blankenship, who has pleaded not guilty, is slated to go on trial on October 1, though his lawyers have requested that the case be rescheduled to January. For the better part of the past year, he's been restricted by a judge's order to the eastern Kentucky and southern West Virginia counties where he has spent most of his life—a prisoner among those he's allegedly wronged. The trial's timing is foreboding: Dwindling reserves and cheap natural gas, with a nudge from new environmental regulations imposed by the Obama administration, have tightened the noose around Appalachian coal. In August, Alpha Natural Resources filed for bankruptcy. Blankenship's prosecution



could be a canary for something bigger—the death knell of an industry that has both taken lives and sustained them for as long as anybody in these parts can remember.

The irony is that, even at the nadir of Blankenship's power, his ideology is ascendant. He transformed West Virginia not just physically (entire towns have been wiped out by Massey's footprint), but politically. Now, by playing off fears of creeping government involvement, the coal industry has strengthened its grip on state politics. Lawmakers friendly to the industry, with financial support from Blankenship, have won sweeping victories at the ballot box and used their mandate to roll back health and safety regulations while trumpeting the survival-of-the-fittest capi-

talism that was Blankenship's gospel. The man on the mountaintop may have fallen, but the widespread impact of his legacy shows no signs of diminishing.

"THE MOST HATED man in Mingo County," as Blankenship once described himself, was born in Stopover, a hollow on the Kentucky side of the Tug Fork River where mine blasts periodically rattle dishes. The youngest of four kids, he is a McCoy on his mother's side, making him a distant relative of the clan that sparred with the Hatfields after the Civil War. The Tug Valley is filled with McCoys. It's also filled with Hatfields and, for that matter, Blankenships. The ties that bind communities together in



this region reach back over centuries. That helps explain Blankenship's profound affection for this place—and why he stayed even as he climbed the corporate ladder of a Richmond-based company. It also makes the scorched-earth tactics that fueled his rise all the more difficult to reconcile.

Before Blankenship started school, his family moved across the river to the West Virginia town of Delorme, where he and his siblings lived without indoor plumbing in a camper adjoining their mother's gas station along the railroad tracks. As a child, Blankenship honed his skill with numbers by managing the books for the family business; for entertainment, he watched bar fights from the roof of a nearby barber shop. He grew up among the working

poor and learned to admire those, like his mother, who clawed their way up without government assistance. Not that the cash-strapped state had much assistance to provide. So acute was the isolation and sense of neglect in Mingo that when the town of Vulcan was cut off from the rest of the state by a bridge collapse in the 1970s, it appealed to the Soviet Union for aid.

To pay his way through college at Marshall University, where he studied accounting, Blankenship joined the United Mine Workers of America (UMWA) and worked at a mine during the summers. He "was basically forced to leave the area" after college, he has said, because of the lack of job opportunities, but in 1982 he returned to manage the books at Rawl

Sales & Processing Co., a Massey subsidiary that operated a mine across the street from Blankenship's old high school in the town of Matewan.

Two things happened the year Blankenship started at Rawl Sales that would have a profound impact on him. After decades of turmoil for mine workers that culminated with the conviction of a UMWA boss for orchestrating the assassination of a rival, a reform candidate, Richard Trumka, was elected to lead the union with a promise to take on any company that refused to sign its industry-wide contract. The second was the distribution of a 27-page document called the Massey Doctrine by the company's then-president, E. Morgan Massey. Massey's "value system," according to one section, was based on the premise that "self comes before society at large," and the doctrine outlined strategies to squeeze the maximum return out of the company's mines and effectively break the control of unions.

Whenever possible, Massey contracted out the operation of its properties, shielding itself from the requirement to pay pensions or workers' compensation by leaving a small local operator with the tab for these benefits. Although it operated as a centralized conglomerate, Massey insisted on treating its subsidiaries as independent companies, in order to force the UMWA to go through the laborious process of negotiating with each of them.

In the fall of 1984, when Massey refused to negotiate with the UMWA on behalf of all its properties, Trumka ordered a strike targeting a handful of the company's mines. Rawl Sales, where Blankenship had been promoted to president, was ground zero. At first, management handed out coffee to the picketers and even offered diesel fuel for their outdoor stoves when temperatures dropped. But a few months in, Rawl Sales hired nonunion replacement workers and brought in a private security company that fortified the mine with barbed wire, steel walls, and attack dogs. Massey, not for the last time, used the legal system to apply pressure to its adversaries. A Mingo County judge named Spike Maynard, who would become a lifelong friend of Blankenship, issued an injunction restricting UMWA picketing. When the union defied the order, Maynard fined it \$200,000.

The arrival of armed guards stirred up



West Virginia had more than 130,000 miners in 1940—today there are just 15,000; like Hatfield and McCoy, the Blankenship name is common in coal country; a mural in downtown Matewan, where 11 people were killed in a 1920 clash between union organizers and a coal company

long-simmering tensions in coal country and evoked the industry's bloody past. The old post office down the road from Rawl Sales is still pocked with bullet holes from a 1920 gunfight between union organizers and detectives hired by a local mining company that left 11 people dead. (Mary Harris "Mother" Jones, the namesake of this magazine, was involved in the organizing drive that preceded the armed standoff.) That incident, known as the Matewan Massacre, branded the county with a new nickname: Bloody Mingo. And it precipitated an even larger clash a year later at Blair Mountain, one county over, where anti-union forces dropped bombs from airplanes to quell a rebellion of 10,000 miners. More than 100 people died in the battle, and UMWA leaders were tried for treason by the state. (Massey later sought to revoke the battlefield's historic designation so it could build a surface mine—typically created by leveling a mountaintop to get at the coal, instead of tunneling in.)

Once again, Mingo County became a conflict zone. A union chief's bedroom was shot up while his children were home. Blankenship accused the union of spraying his office with bullets and forcing him to sleep in safe houses. Snipers prowled winding mountain roads, taking potshots at nonunion truck drivers—even killing one. Dynamite was placed in trees and detonated to knock down power lines at coal processing plants. According to one newspaper account, the superintendent of another Massey subsidiary was “pulled from his car, beaten and thrown into the river by a group of masked men.” Picketers smashed hundreds of Massey vehicles. (Trumka denies any union wrongdoing.) The company deployed coal trucks to ram cars that attempted to block the two-lane road connecting the mine to the rest of the county. One retired miner who patrolled the entrance to Rawl Sales with a slingshot told me that Blankenship tried to recruit him to spy on the union. Several others offered an unusual allegation—that private security guards mooned the picketers to provoke violent responses.

"It was very, very obvious from the first part that [Blankenship] cared about one thing and one thing only, and that was the dollar, and it was clear that he worshipped at the altar of greed and dollars, and he wouldn't let anything get in the way," says Trumka, who is now the president of the AFL-CIO, the nation's largest federation of trade unions. "He claimed to be a local boy—that he cared about the locality and wanted to do something to help people. But all of his actions speak the opposite way."

The violence instilled a sense of victimhood that stuck with Blankenship. "I'm ready to be killed for this," he told the *Washington Post*. "I had uncles and cousins who fought in the world wars. We don't view it as any different. The [UMWA] is trying to take away our freedom." He believed the union's actions amounted to terrorism and reflected a backward worldview that he was trying to stamp out. "What you have to accept in a capitalist society, generally, is that...it's like a jungle, where a jungle is survival of the fittest," he said in another interview. "Unions, communities, people—everybody's going to have to learn to accept that in the United States you have a capitalist society, and that capitalism from a business viewpoint is survival of the most productive."

After 13 months, the union miners returned to work, but the strike marked the beginning of the end for the UMWA in Mingo County. Today, the Matewan chapter has no active miners among its 850 members. Blankenship, meanwhile, emerged from his mine war radicalized, and determined to mold coal country along his ideological lines. Over the next two decades, as he pushed his workers to the brink, busted unions, and pooh-poohed complaints over Massey's health and safety record, he returned again and again to that strike—and "the ignorance and evilness of the United Mine Workers"—in speeches and interviews. "I've been the subject of their threats and their violence," he told West Virginia's leading business newspaper, the *State Journal*, in 2002. "I have a television in my office with a bullet hole in it that I feel pretty comfortable came from a union member. The problem that the union has is that they have a criteria for employment that

does not change, and they live in a world that changes."

IF THE RAWL SALES strike hastened the decline of the UMWA, it marked the ascendance of Blankenship, establishing him as an unflinching operator who could squeeze profits out of his property even in the most adverse conditions. In 1992, when E. Morgan Massey retired, Blankenship was anointed the company's CEO. Under his leadership, Massey cornered a growing share of a shrinking market by hoovering up coal reserves (2.2 billion tons of them) and using its size to bring smaller companies to heel. Its tactics against Harman Mining, a Virginia-based, unionized coal processing outfit, were emblematic. In 1997, Massey bought Harman's primary distributor and then effectively starved Harman into submission by refusing to honor their contract. With no outlet for its supply, Harman went belly-up. Its president, Hugh Caperton, sued Massey for breach of contract and eventually won a \$50 million judgment, but it was years before he ever saw a cent.

Blankenship used similar methods when it came to the union. Rather than negotiate with the local chapter at a given Massey subsidiary when a contract ran out, he would shut down the operation for a year and then reopen it under a different name, forcing the union to start organizing from scratch if it wanted a presence there. Blankenship went so far as to send miners on paid vacations to Dollywood, to dissuade them from organizing. According to Michael Shnayerson's book about the Massey empire, *Coal River*, some miners who'd been waffling on unionizing conspicuously began arriving to work in new cars. Massey opened its first fully nonunion facility in 1981; by 2002, just 200 of its 4,500 employees had UMWA cards.

Massey acquired an exceptional reputation in a brutish industry. Blankenship placed relentless pressure on his mine supervisors to produce, and they in turn leaned heavily on their miners to work impossibly long hours, in some cases without breaks for rest or sustenance. Expected to put in overtime whenever asked, some miners only received one day off in a month. A former Massey miner told me he once brought the same sandwich to work three shifts in a row without ever

being allowed to take his allotted dinner break. When another miner complained about skipping meals, his manager told him to suck on a peppermint.

As a profession, mining has grown much less hazardous than it was in the Bloody Mingo days, when a West Virginia coal worker was as likely as an American doughboy in France to die on the job. Yet the various ways miners can be killed or maimed has changed little over the centuries. A fire could break out. A wall or roof could collapse. A piece of equipment could fall, crushing anyone who stands below. A flood could drown workers or isolate them in a pocket of the mine. They could suffocate from a mix of poisonous gases known as "after-damp." If none of these kill them, black lung might. But the biggest danger inside an underground mine—the cause of virtually all the industry's deadliest accidents—is an explosion. Coal dust is combustible, as is the methane that collects in mines, and if not diligently swept and ventilated, they can unite to form a spectacular blast that triggers any of the above hazards. The core function of mine safety legislation, therefore, has been to prevent mines from blowing up.

But safety laws have always lagged behind the latest accident. The federal government didn't create an agency to regulate mines (what is now the Mine Safety and Health Administration, or MSHA) until 1910, after 362 people died in Monongah, West Virginia. The agency had no code of regulations until after 111 miners died in Centralia, Illinois, in 1947. It didn't conduct annual inspections until an explosion killed another 119 Illinois miners in 1951. And it didn't impose monetary penalties for violations until a 1968 blast in Farmington, West Virginia, killed 78 miners.

Well before the Upper Big Branch disaster, there were signs that Massey, despite its avowed "safety first" commitment, was fostering a culture of anything but. A 1993 investigation by Paul Nyden, a reporter at the *Charleston Gazette* who first exposed the existence of the Massey Doctrine, revealed that Massey's contractors routinely avoided paying out workers' compensation to injured miners. Massey also took steps to discourage filing such claims. Blankenship launched a football-themed program called the "Safety Bowl" that allowed company "teams" to earn rewards if they avoided getting injured on the job. The flip

side was that if you reported an injury, you'd ruin everyone else's chances of getting swag such as hunting gear or lawn equipment. Predictably, the number of reported injuries plummeted. Massey watched its lost-time accidents drop 47 percent in one year—saving the company \$5 million. Meanwhile, Massey downplayed the accidents that did get reported. Following the Upper Big Branch disaster, it eventually admitted to shareholders that it had underreported injuries by as much as 37 percent, according to the Department of Labor.

In word and in deed, Blankenship made it crystal clear to his underlings what their priorities should be. The Massey chief often gave his managers cans of Dad's Root Beer, not to quench their thirst, but to send a message: At Massey, Blankenship later explained in a deposition, Dad's was short for "Do As Don Says." Lest there be any confusion about the importance of his instructions, phone calls from the chief executive—who demanded updates from his mine supervisors every half hour—came in over an actual red phone.

"It's impossible for me to suggest that there is any more pressure that could be

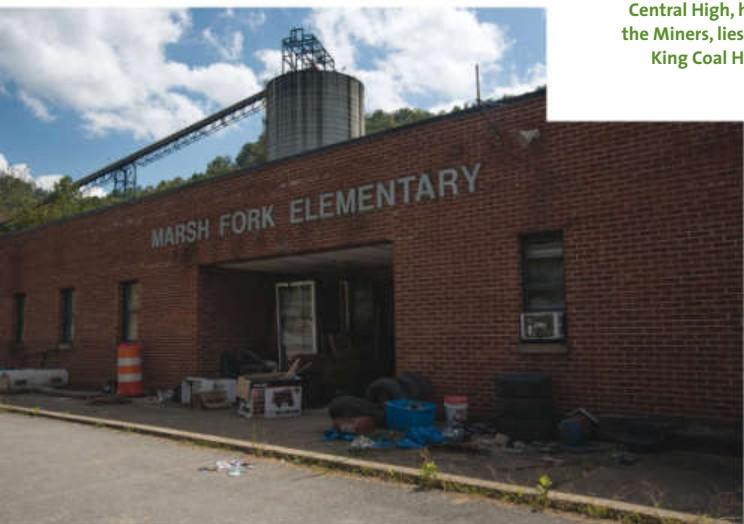
brought to bear, except with a Roman whip, than with what Don Blankenship did every 30 minutes," says Davitt McAtee, a former MSHA inspector who managed the state's investigation of the Upper Big Branch disaster. "If you don't think that gets to a man's mind, you're crazy."

Upper Big Branch was the biggest catastrophe during Blankenship's tenure, but it wasn't the first. In the decade after Massey went public in 2000 with Blankenship at the helm, there were 54 fatalities at its mines, a dismal safety record that set the company apart from its competitors. Of those accidents, the one that offered the clearest warning of what was to come occurred in 2006 at a southern West Virginia site called the Aracoma Alma Mine No. 1. The facility bore several similarities

to Upper Big Branch. Workers sometimes operated in flooded conditions and amid excessive amounts of combustible dust. They were under enormous pressure to produce. And they had no UMWA presence to press for safety improvements.

That January, a fire broke out in an underground storage unit. This was a common risk (it had happened before at Aracoma), which is why federal regulations require mines to adhere to strict fire safety codes. But the sprinklers didn't work. Neither did one of the fire alarms. A carbon monoxide alarm hadn't been installed. The emergency exits weren't marked. And structures that would have contained the smoke within a confined area had been removed. After miners evacuated the chamber, 28 minutes passed before the rest of the mine was alerted. Meanwhile,

Clockwise from left: In 2005, Blankenship sought to build a second coal silo behind Marsh Fork elementary school; Vernon Haltom's group, Coal River Mountain Watch, pushed the state to take another look at the project; Mingo Central High, home to the Miners, lies just off King Coal Highway.



the smoke spread to the designated escape passage. Two miners died when they were unable to flee fast enough. An Aracoma Coal Co. employee later testified that in his entire time at Alma Mine No. 1, the company never conducted a single fire drill.

In its official report on the fire, the MSHA detailed how Massey's disregard for safety violations resulted in the tragedy: "In each case, no effective management system, policy or procedure was in place to assure compliance with the underlying regulations and safe mining practices," the report declared. Included was a memo from Blankenship himself, directing all deep-mine superintendents to put aside safety projects and focus on moving product. "If any of you have been asked by your group presidents, your supervisors, engineers or anyone else



to do anything other than run coal (i.e.—build [ventilation] overcasts, do construction jobs, or whatever), you need to ignore them and run coal," he wrote. "This memo is necessary only because we seem not to understand that coal pays the bills." (Soon thereafter, Blankenship circulated a memo emphasizing Massey's commitment to safety.) Aracoma pleaded guilty to 10 criminal charges of mine safety violations in fed-

eral court and paid a \$2.5 million fine. It also paid \$1.7 million in civil penalties to the MSHA for "reckless disregard" of mine safety. Four Aracoma foremen pleaded guilty to misdemeanor charges, but a plea agreement prevented the Department of Justice from seeking charges against anyone at Massey. Blankenship, for his part, told a conservative talk show host that the miners probably died because they "panicked."

THE COMPANY TOOK the same cavalier approach to environmental regulations. In 2000, a 72-acre reservoir of coal mining sludge flooded the town of Inez, just across the river from Mingo in Pike County, Kentucky. Massey had built the reservoir above one of its abandoned mines. The muck flowed into the mine and from there into a tributary of the Tug Fork River. The resulting spill caused \$58 million in damage, making it one of the largest environmental disasters in US history. Residents of 10 Kentucky counties temporarily lost access to drinking water. Even closer to home, 769 Mingo County residents filed lawsuits between 2004 and 2009 alleging that Rawl Sales contaminated their water supply by injecting 1.4 billion gallons of coal waste into abandoned mines during Blankenship's tenure there. The company denied any wrongdoing, but during a deposition Blankenship admitted that he'd installed his own water line, which connected his house to a town farther removed from the alleged areas of contamination. (The company settled for \$35 million in 2011 and dedicated \$5 million to monitor health consequences in the affected communities.)

Even as Massey polluted the environment and exploited its employees, Blankenship cast himself as the true savior of West Virginia workers, who he claimed were being stifled by radical environmentalists perpetuating the hoax of climate change and by government bureaucrats imposing job-killing regulations. Increasingly he entered the political fray, spending millions to promote his anti-government philosophy. In 2005, he channeled \$650,000 into a successful campaign to defeat a referendum, favored by Democratic Gov. Joe Manchin, to issue bonds to fund public employee pensions. Later that year, he dumped \$500,000 into ads pressuring the Legislature to repeal the state's 6 percent food tax, on the theory that tax cuts would stimulate economic growth

while shrinking the size of government. (The state Legislature reduced the tax to 5 percent.) And in 2006, he spent \$1.8 million backing 41 Republican candidates for state offices. Only one of them was successful—and in that case the Democratic incumbent was in a nursing home. But poor white voters, egged on by business tycoons like Blankenship, were beginning to see government as the source of their problems.

In 2009, seven months before the Upper Big Branch disaster, Blankenship decided to hold a Labor Day rally on the site of a surface mine near Mingo. Billed as the "Rally for American Workers," the event was a bit of counterprogramming to the annual blowout organized by the UMWA. Headlined by conservative luminaries including Sean Hannity, Nugent, and Hank Williams Jr., Blankenship's rally drew 75,000 people. "Washington and state politicians have no idea how to improve miner safety," he told the crowd. "The very idea that they care more about coal miner safety than we do is as silly as global warming." For the occasion, Blankenship wore an American flag hat and an American flag shirt. When an attendee asked him to run for president, he cracked a wide grin. "We pay Turkey \$30 million a year just to land our airplanes," he added, in a fit of populism, "but we can't find enough money in this country to have clean water and sewage in Appalachia."

TO SEE FIRSTHAND Blankenship's footprint on southern West Virginia, I caught a ride one afternoon in August with Vernon Haltom, a barrel-chested Lebowski of a man in a Johnny Cash shirt who runs an anti-surface-mining group called Coal River Mountain Watch. Massey didn't invent the practice of mountaintop removal—flattening mountains to access the coal within them—but the company became Central Appalachia's largest coal producer by mastering it. From atop a former surface mine site, we could see an active mountaintop project being undertaken by Alpha Natural Resources, the company that bought Massey. While we watched, the scarred plateau belched a plume of dust from a controlled blast.

Cruising past overloaded coal trucks in his SUV, Haltom slowed to point out hamlets with names like Twilight and Lindytown that had been wiped out by Massey's expansion and turned into "valley-fills"—dumping grounds for mining debris. The signs of

depopulation were everywhere: a shuttered library and state police station, a park where a high school once sat, and vacated main streets. Down the road from Upper Big Branch, a memorial funded in part by Alpha touted the job-creating legacy of the coal industry. By a back entrance to the now-shuttered mine was a more informal installation—29 hard hats and two mourning angels. Their wings were solar powered.

We pulled over outside the old Marsh Fork elementary school, which closed in 2012. The site was overgrown, with six-foot-high grass along the basketball court, but my eyes immediately gravitated to what sat above it: a massive silo, where processed coal was once loaded onto train cars to be taken to market. Nearby was an open-air sludge dam (much like the one that burst near Mingo) containing 2.8 billion gallons of waste. The nearest surface mine was five minutes away, and every afternoon around 4 p.m., a faint rumble echoed down into the hollow from the blasting. Before it closed, the school was perpetually coated in a thin layer of dust; air-conditioning filters would come out black. A 2005 survey by Haltom's group found that 80 percent of the area's children had respiratory problems.

That year, Blankenship applied for a permit to construct a second silo on the site. Although the project was initially green-lit, Gov. Manchin, who is now a US senator, asked the state's environmental agency to give it a second look. The state ultimately blocked the plan. Blankenship went on the warpath, relying on Massey's usual method of bludgeoning its opponents into submission—litigation. Massey appealed the state's ruling on the silo, and Blankenship personally fired back with a lawsuit against Manchin, alleging he was being punished for past statements critical of the governor. Blankenship and Massey also sued the *Charleston Gazette*, the UMWA, and a political group called West Virginia Consumers for Justice for \$300 million, alleging they had conspired to defame the CEO and his company by airing critical information. A judge dismissed the lawsuit but the Marsh Fork silo case headed to the state Supreme Court, along with another artifact of Massey's strong-arming ways—Hugh Caperton's 1998 lawsuit stemming from the bankruptcy of Harman Mining.

After Caperton won a \$50 million judgment in 2002, Massey had appealed the case

to the state Supreme Court. In preparation for the appeal, Blankenship decided the court needed an overhaul. In early 2004, ahead of the state's judicial elections, he met with an upstart Republican lawyer, Brent Benjamin, and promised his support against the liberal incumbent. Benjamin was a comparative unknown in West Virginia, where a Republican hadn't been elected to the state Supreme Court since 1928, but Blankenship had a plan. He poured \$3 million into a campaign fund that ran ads tarring the Democratic justice as soft on child molesters. It was an unprecedented expenditure by a single donor, and it worked: Benjamin narrowly beat his opponent.

When the state Supreme Court heard the Caperton case in 2007, Massey won a big victory—with Benjamin voting in its favor. Then, in early 2008, the *Charleston Gazette* published photographs of Blankenship on

"He lived by dollars and cents," says the AFL-CIO's Trumka, one of many Blankenship foes who has savored the coal baron's fall from power. "He thought he could buy anything, but the one thing he couldn't buy was gravity."

the French Riviera with an old friend from Mingo County—Spike Maynard, now also a state Supreme Court justice, who had cast another of the three votes in favor of Massey. In 2009, in a landmark decision, the US Supreme Court granted Caperton another chance, ruling that Benjamin should have recused himself; \$3 million in campaign donations from a defendant with business before the court constituted a clear conflict of interest. But even with his two favorite justices sitting out the case, Blankenship won the final appeal on the grounds that it should have been tried originally in Virginia (where Caperton's company was headquartered). When he brought the case there, Caperton eventu-

ally won a \$4 million judgment, a fraction of what Massey once owed him.

Blankenship also won the right to build a second silo above Marsh Fork elementary. When the cash-strapped school district considered asking Massey for help relocating, a company spokesman suggested that it already paid enough in annual taxes. Only after the late Sen. Robert Byrd excoriated the company for its "disregard for human life and safety" did it chip in \$1 million toward a new building farther down the valley.

AT UPPER BIG BRANCH, miners labored amid thick layers of coal dust and in chest-high water while dodging debris from the crumbling ceiling. In the year preceding the explosion, inspectors shut down portions of the mine for safety violations 48 times—a rate nearly 19 times the national average. "I'm just scared to death to go to work because I'm just scared to death something bad is going to happen," one miner confessed to a friend, shortly before he was killed in the blast. But Upper Big Branch was a cash cow. In 2009, the mine generated \$331 million, 14 percent of the company's overall revenue. Massey repeatedly delayed necessary improvements to the mine's safety system for the sake of moving more and more coal.

The day after Easter in 2010, a piece of metal shearing equipment scraped against the mine's sandstone wall, causing a spark that ignited a pocket of gas, which created a fireball that gained intensity as it gorged on the thick coating of coal dust. As at Aracoma's Alma Mine, a standard fire safety implement—in this case, the shearing machine's water spray system, which is designed to prevent sparks from igniting—wasn't functional. The flames spread more than a mile in minutes. No one in the mine stood a chance. An incident report compiled at the direction of Manchin characterized the explosion as the product of a "perfect storm," made of "insufficient air, a build-up of methane and enough coal dust to carry an explosion long distances through the mine." Independent state and federal investigations each blamed the company for creating those conditions.

As the evidence piled up of Upper Big Branch's dangerous atmosphere, Blankenship remained defiant. "The politicians will tell you we're going to do something so this never happens again," he said. "You



won't hear me say that, because I believe that the physics of natural law and God trump whatever man tries to do. Whether you get earthquakes underground, whether you get broken floors, whether you get gas inundations, whether you get roof falls—oftentimes they are unavoidable, just as other accidents are in society."

Even someone of his bombast would have struggled to maintain control of a publicly traded company after that, and although Blankenship held onto his job for another eight months, he resigned in late 2010 after running up a seven-figure loss in his final quarter. He walked away with an \$86 million golden parachute—including a \$10.9 million salary, \$14.4 million in severance, an office and a secretary for five years, his primary estate in Mingo County, and a 1965 Chevy truck. Massey kept the mountaintop mansion.

Cast adrift, Blankenship tried to anoint himself a political martyr. He launched SaveTheCountry.com and started publishing his correspondence with members of Congress and public officials, along

with screeds on assorted topics. They were the rants of a man with too much free time and money and no one to tell him to stop. "He is not a 'member' of America," he wrote of President "Hussein Obama" in a representative essay. "Mao Tse-tung was President of China at the time Obama was growing up in Indonesia. Mao was undertaking the Chinese cultural revolution wherein the government took everything the upper 1% had and gave it to the poor. Does that sound familiar?"

Blankenship funded and starred in a low-quality documentary on the global warming hoax—*Recession: How the EPA Is Destroying America*—and then another film, dedicated to his alternative theory of what happened at Upper Big Branch, that he paid to televise on the state's Fox affiliate. In his telling, the MSHA forced Massey to implement a faulty ventilation plan, which allowed gas to seep into the mine from an underground seam; the whole thing had nothing to do with coal dust. He even signed papers to form a new company, the McCoy Coal Group. But for now, the company exists in name alone.

Clockwise from top left: an annual reenactment of the Matewan Massacre; a memorial to the miners killed at Upper Big Branch; a retired miner outside the UMWA's Matewan chapter; a roadside store in Racine, West Virginia

"He lived by dollars and cents," says the AFL-CIO's Trumka, one of many Blankenship foes who has savored the coal baron's fall from power. "He thought he could buy anything, but the one thing he couldn't buy was gravity."

THE GOVERNMENT'S CASE against Blankenship includes internal memos, secret recordings, and an achingly long list of violations that might have spared dozens of lives had they not been ignored. But it hinges on personality. Don Blankenship was a tremendous asshole, the indictment seems to say—and Massey's entire operation was a mirror reflection of his image. His abrasive, dominating persona was perhaps best captured in a story that Nyden, the longtime *Charleston Gazette* scribe, told me. Blankenship had invited a group of executives to his mountaintop mansion for dinner. He'd made a fuss about showing off his

fine china and utensils, but when it came time to eat, the guests received paper plates and plastic utensils. Blankenship alone ate off the good stuff.

He is a physically imposing man who uses his size to his advantage. When an ABC News producer attempted to film him outside his office in 2008, Blankenship threw the man's camera to the ground and told him, "If you are going to start taking pictures of me, you're liable to get shot." A common observation from those who have interacted with him is that when he gets agitated, he licks his lips "epileptic-like," says Kevin Thompson, a West Virginia attorney who once deposed Blankenship. "There is kind of a movement in the head, and there's that tongue thing going on." It's almost serpentine. "But what I'm struck by are his dead eyes."

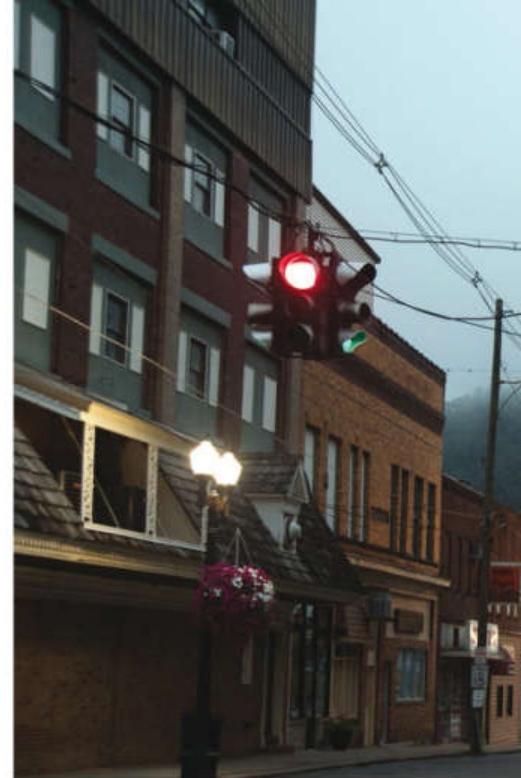
His tyrannical management style extended to his own home. In 2001, a Massey affiliate hired a woman named Deborah May to clean Blankenship's primary residence, down the street from Mingo County's only golf course. Blankenship later asked her to clean two Kentucky cabins owned by the company, too. Then he asked her to clean the mountaintop estate. When he acquired a touring bus to travel to his son's stock-car races, Blankenship expected May to clean that. When the CEO, concerned about his personal security, purchased a German shepherd attack dog and instructed May to take care of it, she quit. By that point, she was working more than 70 hours a week and was making just \$8.86 an hour. During the four years she worked for Blankenship, he increased her wage by 30 cents.

"What I ought to do is take you...out and stone you to death," she claimed he told her once, after discovering stains on his carpet. On a separate occasion, May alleged, he berated her for forgetting to leave a hanger on his bed for his jacket, ripped the coatrack out of the wall, and demanded she fix it. At another point, she claimed, he harshly reprimanded her for bringing him a McDonald's bacon, egg, and cheese biscuit—he'd requested egg-and-cheese. "I want you to do exactly what I tell you to do and nothing more and nothing less," he snarled, according to May. When she forgot to restock his freezer with ice cream, he forced her to write a letter explaining her actions. May couldn't handle the stress any longer. "You have crushed me," she told Blanken-

ship in her resignation letter. When she applied for unemployment in Mingo County, she was rebuked. Only after taking her case to the state Supreme Court in 2008 did she receive her benefits. "Such conduct by an employer," one justice wrote of Blankenship in an opinion concurring with the ruling that May should receive unemployment, "is reminiscent of slavery and is an affront to common decency." (Blankenship's pal Maynard recused himself from the case.)

Blankenship was not, in other words, the kind of boss you ignore. Nor was he the kind of boss who would ever let you forget he was there, looking over your shoulder, watching your every move. But the attention to detail that made Blankenship such an effective bean counter may also be his undoing. He constantly monitored every inch of his operation and wrote memos instructing subordinates to move coal at all costs. "I could Krushchev you," he warned in a handwritten memo to one Massey official whose facilities Blankenship thought were underperforming. He called another mine manager "literally crazy" and "ridiculous" for devoting too many of his miners to safety projects. Despite repeated citations by the MSHA, Blankenship instructed Massey executives to postpone safety improvements: "We'll worry about ventilation or other issues at an appropriate time. Now is not the time." And this is only what investigators gleaned from the documents they could find: Hughie Stover, Blankenship's bodyguard and personal driver—and the head of security at Upper Big Branch—ordered a subordinate to destroy thousands of pages of documents, while the government's investigation was ongoing. (Stover was sentenced to three years in prison in 2012 for lying to federal investigators and attempting to destroy evidence.)

In a Nixonian twist, according to court records, Blankenship also recorded conversations with Massey executives in which he discussed his mines' perilous conditions. Even he worried the company was taking things too far. "Sometimes I'm torn with what I see about the craziness we do," he told then-Massey chief operating officer Chris Adkins in a recorded conversation in November 2009. "I know MSHA is bad, but I tell you what, we do some dumb things. I don't know what we'd do if we didn't have them. Maybe if it weren't for MSHA, we'd blow ourselves up."



Williamson—Mingo County's seat, where almost 30 percent of the population is below the poverty line—lies just across the Tug Fork River from Kentucky.

But at the same time, he was allegedly plotting ways to get around the MSHA's mandates. According to a class-action complaint, when an inspector showed up unannounced at a Massey property, an employee in the guardhouse would use the phone system to tell workers in different parts of the mine that a "load of cinder blocks" had arrived, or that "it's cloudy outside." Sometimes the guard would abandon the pretense altogether and simply say, "We've got a man on the property." This was the cue to hang up ventilation curtains and sweep away coal dust. Upper Big Branch had a radio channel manned by Stover called "Montcoal," which was used to evade the MSHA. The indictment alleges that Blankenship encouraged workers to dodge inspectors.

All but one of the charges he faces, a pattern of violation that the UMWA dubbed "industrial homicide," carry light sentences, adding up to a maximum of six years in prison. What threatens to put the 65-year-old away for decades are two allegedly false statements Massey submitted in a filing with the Securities and Exchange Commission: "We do not condone any violation of MSHA regulations," and "we strive to be in compliance with all regulations at all times," Blankenship informed investors, even as his



company was allegedly outflanking the regulatory system. It's the mining equivalent of busting Al Capone for tax evasion.

"I have all the respect in hell that at least somebody was able to say, 'Wait a minute, that isn't right,'" says Bruce Stanley, who represented Caperton in his suit against Massey. "But he's up for what, a possible 30-year sentence? Well, there's only one count that puts that kind of mileage on it. That's the one that says he lied to Wall Street. When it comes to human lives, he gets maybe a year."

Blankenship has hired William Taylor III, the same power lawyer who represented the officials in the Salt Lake City Olympics vote-buying scandal as well as Dominique Strauss-Kahn, the former International Monetary Fund managing director accused of raping a hotel maid—all of whom escaped conviction. His legal team has battled to move the trial out of West Virginia. (The trial was eventually moved from Beckley, the closest courthouse to Upper Big Branch, to Charleston.) They have even pushed to block the Upper Big Branch disaster from being discussed in the trial, on the grounds that doing so would unfairly hold Blankenship responsible for the deaths of 29 miners. Blankenship declined to be interviewed for this story, and in response to a series of questions about the allegations, Taylor of-

fered only a blunt statement: "Donald Blankenship is entirely innocent."

Blankenship, no stranger to legal clashes, is undoubtedly spoiling for a fight.

"I just can't see him pleading," Thompson says. "It's not in his nature. And I hope he doesn't, because it would kind of diminish his stature in my mind if he pled. He stuck with his guns so long, he's almost a cartoon character by now—just an unabashed villain...I hope he keeps going, because I think the jury, the judge—everybody—will throw him *under* the jail if given the chance."

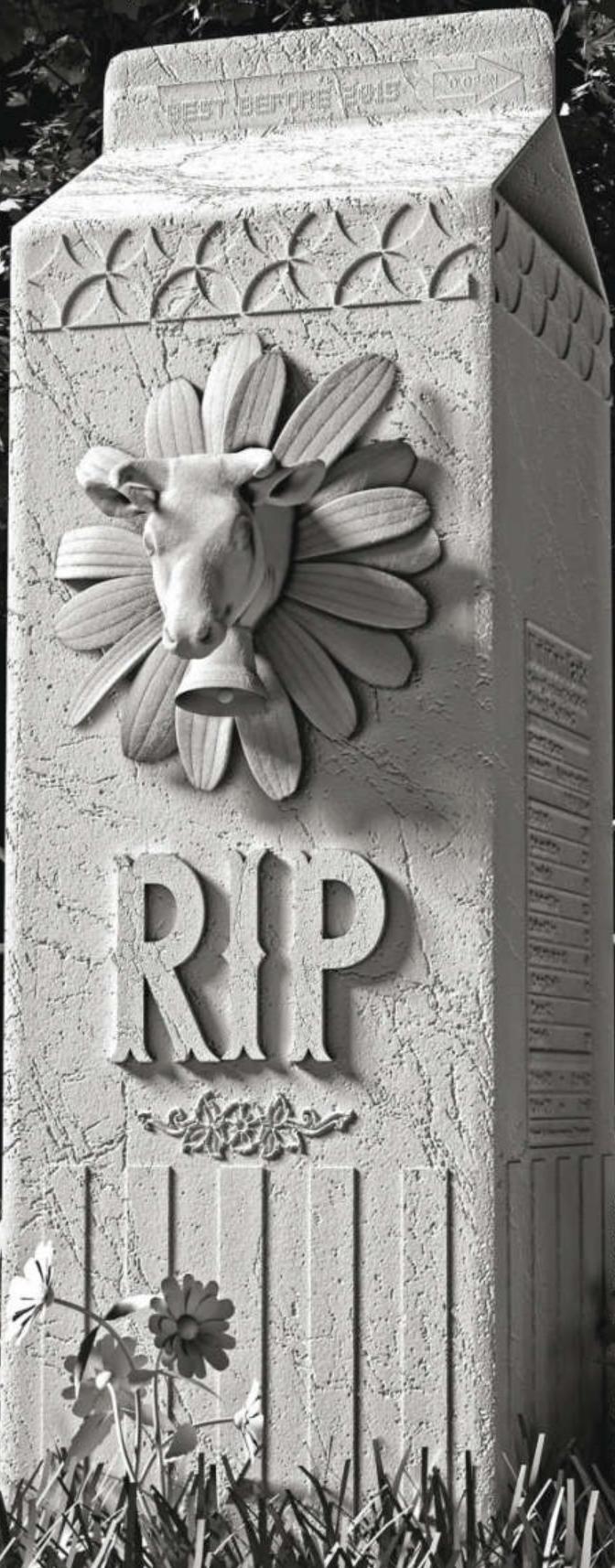
The Blankenship indictment is part of an unusually aggressive campaign by West Virginia's US attorney, Booth Goodwin, a politically connected lawyer with ties to prominent Republicans and Democrats in state government. In August, after an investigation by Goodwin, the president of Freedom Industries, a chemical company whose 2014 spill forced 300,000 West Virginians to buy bottled water, pleaded guilty to violating the Clean Water Act; he was sentenced, along with five of his employees, to a minimum of 30 days in prison. Before indicting Blankenship, Goodwin all but overthrew the Mingo County political establishment that had coddled the coal baron. The county circuit judge who replaced Maynard when he moved to the

state Supreme Court, also an acquaintance of Blankenship's, was sent to federal prison for his role in a prescription-drug ring. So were the county prosecutor and a county commissioner. The county sheriff was accused of being part of the ring, too, though he was murdered in an unrelated incident before he could be prosecuted.

But even Goodwin's high-profile prosecutions have done little to change the status quo in West Virginia that Blankenship and fellow industry executives spent so mightily to preserve. The state's signature mine safety accomplishment following Upper Big Branch was a new regulation mandating drug tests for miners, a reform favored by companies and opposed by unions. (Drug use has never been associated with the disaster.) Other reforms have since been rolled back. Federal legislation that would have made it a felony to conspire to commit mine safety violations—what Blankenship is charged with—stalled in Congress thanks to heavy lobbying from the energy industry. Even the chemical safety measure passed by the state Legislature after the Freedom Industries spill was almost immediately gutted by West Virginia lawmakers.

Meanwhile, the state's once-moribund Republican Party, which Blankenship's largesse helped kick-start, is taking over. Democratic Rep. Nick Rahall, a mine safety advocate and union supporter who had targeted Blankenship, lost his seat by 10 points in 2014. Last year, Republicans took over the state Legislature for the first time since before the New Deal. They owed some of their success to a flood of dark money—much of it, according to bankruptcy filings, from Alpha Natural Resources—that painted pro-coal Democrats as not pro-coal enough. Near the top of conservative groups' wish list: so-called right-to-work legislation that would finish off the UMWA in southern West Virginia once and for all. Even as companies such as Alpha and Patriot Coal are declaring bankruptcy, and as the number of coal miners in the state—union or not—plummets, West Virginia's remaining coal barons have managed to consolidate even more power than they had before.

TO GET TO MATEWAN from the nearest interstate, you drive 82 miles on the Robert C. Byrd Freeway to Williamson, Mingo's county seat, and then 14 miles more on a winding patch of road that [continued on page 61]



COWED

NEW SCIENCE SAYS
TOO MUCH MILK IS
HARMFUL TO ADULTS.
TOO BAD THE
GOVERNMENT KEEPS
PUSHING BIG DAIRY.

BY JOSH HARKINSON

ILLUSTRATION BY GUYCO

DO AMERICANS need so much milk? In 1951, Harvard University nutritionist Mark Hegsted wanted to find out. He had heard all about milk's virtues while growing up on a small Idaho dairy farm, but as he began

studying nutrition, he noticed that plenty of people from countries with little dairy were thriving into old age. There was, however, a practical complication that prevented him from experimenting on the general population to understand this paradox: After a person cuts back on calcium, it can take months or years for the change to show up in the body.

So Hegsted went looking for a chronically calcium-deprived population. He found one at the Central Penitentiary of Lima, Peru. Inmates locked up in the grim, 80-year-old stone prison subsisted on a rice-and-beans diet that was extremely low in calcium. They typically drank milk once a week.

Hegsted got permission from prison officials to monitor the calcium intake of 10 volunteers. By comparing the prisoners' intake with the amount they excreted in their waste, he could calculate how much calcium they retained. The average prisoner, he found, could regu-

larly take in just 126 milligrams of calcium a day—less than what you'd get from a single glass of milk—and tests would still turn up normal levels of calcium in his body.

The study was small, to be sure, and it included no

women, whose calcium needs can be higher during pregnancy and lactation, but its conclusion made sense to Hegsted: The body didn't seem to need the calcium input that most experts thought necessary.

Hegsted's study was revolutionary—and quickly forgotten. Americans kept on drinking their milk and eating their dairy, with plenty of encouragement from the government. Every five years, with guidance from scientists and heavy lobbying from corporate food and agriculture interests—including the \$36 billion dairy industry—the US Department of Agriculture and the Department of Health and Human Services issue dietary guidelines for the nation. (Once called the Food Pyramid, these guidelines have been renamed MyPlate.)

While many Americans—perhaps most—don't pay them any heed, the dietary guidelines are profoundly influential. They determine which agricultural sectors benefit from taxpayer-funded nutrition campaigns and

how the billions of dollars in federal food aid flow each year to needy Americans through programs like the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Schools that don't follow the guidelines can lose out on federal lunch reimbursements. The guidelines are also the basis for advertisements pushed by government-affiliated groups, including the "Got Milk?" campaign, which preaches that milk contains essential nutrients and "helps bones grow strong."

Since 2005, the dietary guidelines have advised adults to consume the dairy equivalent of three cups of milk per day—a full cup more than was previously recommended. This winter, the USDA is set to publish new guidelines based on advice from a panel of scientists who have reviewed the latest research—but most experts expect no change in the dairy recommendations.

And that's a problem, because many current studies suggest Hegsted was right when he claimed adults need very little calcium. What's more, a growing body of research has found that for grown-ups, consuming too much dairy can actually be harmful. Considering taxpayers spend an estimated \$4.5 billion a year to subsidize dairy, many experts believe this new science deserves more attention. "We need to realize the economic and health effects of drinking that much milk," says David Levitsky, a professor in Cornell University's Division of Nutritional Sciences, "and the role that the dairy industry plays in setting the agenda."

EVEN AS SALES of sodas and other sugary beverages have eroded its market share, milk remains a popular drink for children, and for good reason: It's a convenient delivery system for a host of nutrients, most importantly calcium, which is essential for bone growth. Children who don't get enough calcium can suffer from impaired muscle control as well as rickets, a disease that causes the bones to soften and weaken. An eight-ounce cup of low-fat milk has 300 milligrams of calcium, or 30 percent of the guidelines' recommended daily intake. A cup of yogurt has 450 milligrams, and an ounce of Swiss cheese has 270. But outside the dairy family, calcium is harder to come by. In order to get the amount of calcium in a glass of milk, you'd need to eat more than five cups of raw kale, 90 almonds, or a

five-ounce can of salmon with bones.

The scientist behind much of the new dairy research is Walter Willett, who leads the nutrition department at Harvard. Willett grew up on a dairy farm and did his graduate work in the 1970s at Harvard under Hegsted. Building on his mentor's findings, Willett discovered that adults who drank or ate large amounts of dairy seemed to have a higher risk of certain health problems than their peers who consumed small

by more than 43,000 men. Despite doctors' long-held belief that calcium helps prevent broken bones, the study found absolutely no relationship between calcium intake (from both foods and supplements) and risk of fracture. A decade later, a roundup of all the available research—by then, eight epidemiological studies and five randomized, controlled trials—determined that calcium intake does not significantly decrease the risk of hip fracture in women or men. Last year, another sweeping study came to the same conclusion—in fact, it found that women who drank two and a half or more glasses of milk a day had a *higher* fracture risk than their counterparts who drank less than one glass a day.

More troubling was Willett's finding that men who drank two or more glasses of milk a day were almost twice as likely to develop advanced prostate cancer as those who drank no milk. A subsequent study turned up a similar result: Willett found that men who consumed more than 2,000 milligrams of calcium a day from food or supplements were nearly twice as likely to get prostate cancer as those who consumed less than 500 milligrams a day. And other scientists have made similar findings. A meta-analysis published in the *American Journal of Clinical Nutrition* late last year concluded that "high intakes of dairy products...may increase total prostate cancer risk."

The findings are in no way definitive; the studies so far have reported only correlations between dairy consumption and disease. What's more, no one fully understands the biological processes through which dairy could cause cancer. Some studies have implicated D-galactose, a component of lactose, as a possible culprit; it seems to trigger inflammation and the formation of free radicals—conditions other research has linked to aging, cardiovascular disease, and cancer. After several studies showed a connection between dairy consumption and breast cancer, researchers theorized that the high levels of hormones in dairy foods—specifically estrogen, progesterone, and an insulin-like compound known as IGF-1—may speed the growth of tumors. Other studies have suggested that too much calcium may inhibit the activation of vitamin D, holding it back from controlling tumor development (though the protective benefits of vitamin D haven't been fully established).

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or moderate amounts. Less clear, however, was the chemical pathway that explained this finding. Milk, which is designed to give young animals everything they need to grow, is a substance of beguiling complexity. Willett and other researchers suspected that the problems they observed could stem from a range of bad actors in dairy, including high amounts of hormones, the protein lactose, and even an excess of what has been milk's biggest selling point: calcium.

Willett is thin and tall, with hazel eyes and a handlebar mustache. Soft-spoken and serious, he is, at heart, a data nerd. In the early 1980s, he began overseeing massive, long-term epidemiological studies, including the Health Professionals Follow-Up Study and the Nurses' Health Study, which track the diets and health of hundreds of thousands of doctors and nurses (a particularly reliable research population) over decades. In 1997, he published the results of an eight-year survey focused on calcium consumption

Given all the unknowns, Willett recommends that to be safe, adults should consume no more than two servings of dairy a day. He suggests that at least one of those servings comes from yogurt, which seems to be healthier than its nonfermented counterparts, possibly because it contains lactobacillus, a probiotic bacteria that breaks down lactose and aids digestion.

Willett also advises that adults limit their total calcium intake to less than 1,000 milligrams a day. He doesn't believe pregnant women need more than that amount to support developing fetuses, nor is he convinced that postmenopausal women require extra calcium to prevent osteoporosis. In fact, he suggests that even people on low-dairy diets take no more than 500 milligrams a day in calcium supplements.

The 14 people on the government's

Dietary Guidelines Advisory Committee, the scientific body whose input serves as the basis for the MyPlate guidelines, disagree with Willett's recommendations. The committee advises that most adults have at least three servings of dairy foods every day—or enough to provide a *minimum* of 1,000 milligrams of calcium. For postmenopausal women, the recommendation is at least 1,200 milligrams. Yet Willett is hardly a renegade. The World Health Organization concurs with him (though it suggests higher doses for pregnant women with low-calcium diets).

So why does the advisory committee disagree with the growing consensus? It's worth examining the committee members' industry ties. Tufts University professor Miriam Nelson, the author of best-selling books on osteoporosis, is a member of

the Dannon Institute Scientific Council. Steven Abrams served as a paid scientific consultant to the National Milk Processor Education Program, which oversees the milk industry's national advertising campaigns; he also sat on a medical committee that created calcium consumption guidelines for the National Academies' Institute of Medicine in 2010. The chair of that group, A. Catharine Ross, has received research funding from Nestlé; Danone, the parent company of Dannon; and Mead Johnson Nutrition, which makes a dairy-based baby formula.

Such ties can sometimes be hard to avoid, since much of the research on dairy is funded by a constellation of industry-backed institutes, including the Nestlé Nutrition Institute, the Dannon Institute, and the Dairy Research [continued on page 58]

MILK MONEY

A government-backed industry group works with fast-food companies and school cafeterias to ensure there's a market for milk.

EVER WONDER why school lunches are pushing sweetened milk? Or why fast-food restaurants suddenly offer concoctions like pizza with "40 percent more cheese"? You can thank the dairy checkoff, a USDA-supervised system under which dairy producers pay into a kitty to promote their industry. The checkoff's marketing arm, Dairy Management Inc., runs "programs aimed at promoting dairy consumption and protecting the good image of dairy farmers, dairy products and the dairy industry." Sounds good for farmers and Americans, right? Well, not exactly: Dairy Management regularly helps create new menu items—many of which are a far cry from the USDA's recommendations for a healthy diet.

Take chocolate milk: Most US schools now ban sodas and other sugary beverages, but flavored milk usually gets a free pass. A single serving of chocolate milk

contains between four and six teaspoons of sugar (the recommended daily limit for young children is three teaspoons)—and yet 70 percent of milk served in schools is flavored.

What gives? In a 2014 report, public-interest lawyer Michele Simon noted that sales of milk drop by 35 percent when schools replace flavored milk with plain varieties at cafeterias, and that schools make up 7 to 8 percent of the total market for fluid milk. "That's a sizable and important piece of business," Barbara O'Brien, senior executive vice president of Dairy Management, told a trade magazine in 2011. "Those sales are crucial to lifelong dairy consumption and keeping people positively inclined to our products and our industry."

So the dairy industry came to the rescue. With money from the dairy checkoff, the National Milk Processor Education Program

launched a campaign to keep flavored milk in schools with slogans like, "Raise your hand for chocolate milk!" and "Chocolate milk has muscle." That same year, Simon reported, dairy-checkoff-funded groups teamed up with the National Football League to launch Fuel Up to Play 60, a program that promotes chocolate milk as a way to "fuel up" with protein and vitamins. With an annual budget of \$50 million from the dairy checkoff, the program reaches 73,000 schools. And there may be more sweet milk coming soon: The School Milk Nutrition Act of 2015 would permit cafeterias to serve a 1 percent version along with the nonfat kind that the current rules allow.

Schools aren't the only places where Dairy Management promotes milky treats—it also works hand in hand with fast-food restaurants to develop new menu items.—*Kiera Butler*

Here are a few examples of Dairy Management's handiwork:



STARBUCKS STRAWBERRY SMOOTHIE

Calories: 300
Sugar: 41 grams



MCDONALD'S MCCAFÉ FRAPPÉ CHOCOLATE CHIP

Calories: 520
Sugar: 66 grams



TACO BELL CANTINA DOUBLE STEAK QUESADILLA

Calories: 960
Fat: 45 grams



DOMINO'S CALI CHICKEN BACON RANCH PIZZA

(one slice)
Calories: 320
Fat: 18 grams



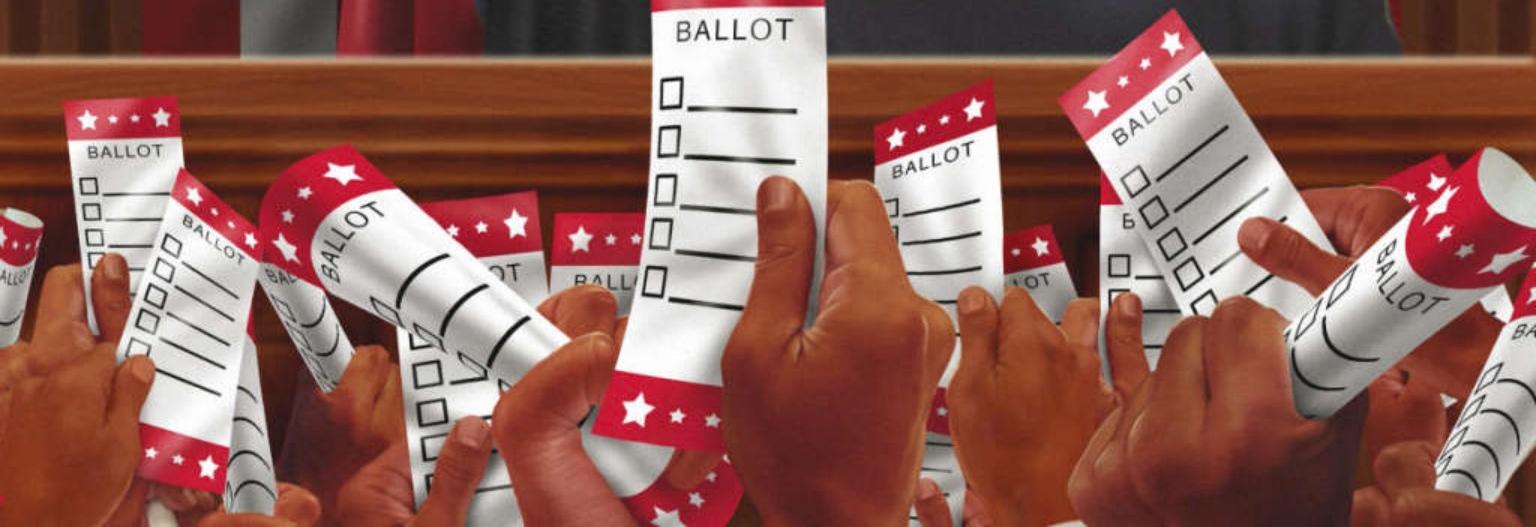
PIZZA HUT 3 CHEESE STUFFED CRUST PIZZA

(one slice)
Calories: 360
Fat: 17 grams



CHOCOLATE MILK IN SCHOOLS

Calories: 150
Sugar: 25 grams



I'LL BE THE JUDGE OF THAT

How **Jeb Bush** perpetuated the Sunshine State's war on black voters

BY PEMA LEVY ILLUSTRATION BY DALE STEPHANOS

SHORTLY AFTER MIDNIGHT on September 14, 2000, James Ghent slipped out of his Miami home, climbed into his car with a suit, a toothbrush, and a change of underwear, and drove nearly 500 miles to Tallahassee to ask Jeb Bush for his rights back.

The journey, he hoped, would help him close the door on a fraught relationship with the law that stretched back to the mid-1960s. As a teenager, Ghent had experimented with drugs and racked up a criminal record; after returning to Florida from a combat tour in Vietnam, he got hooked on crack cocaine. He turned to stealing to finance his habit and spent the 1980s in and out of prison for a string of burglaries.

One day in 1989, he was released from prison in the morning, attempted to steal a car in the afternoon, and was back behind bars by the evening. "You got to be a dumb MF," an officer told him. "You just got out this morning."

Enough was enough. Ghent completed his final prison sentence in the early 1990s and his parole in 1995. He got clean. He remarried and raised a family. He went back to school for a degree in radiography.

But like everyone convicted of a felony in Florida, Ghent permanently lost his right to vote, serve on a jury, and run

for office. The only way to regain these rights was to petition the governor for clemency. Ghent believed voting "should always be a right," but he was also motivated by economic concerns. He couldn't receive a professional license to practice radiography unless the governor granted his petition. And so on that September morning, Ghent descended into the basement of the state Capitol with dozens of other petitioners for a unique Florida ritual: ex-felons entreating the governor and members of his cabinet for the restoration of their civil rights.

These hearings, held four times annually, begin promptly at 9 a.m. One by one, ex-offenders like Ghent approach a podium, where they have five minutes to make their case. A red light signals their time is up. If the governor recommends clemency, and if a majority of the cabinet members agree—and they almost always do—the ex-offender's civil rights are restored. If the governor feels otherwise, the petitioner returns home without the full privileges of citizenship.

Ghent was one of the last petitioners on the docket. His hopes rose and fell with the fortunes of the men and women before him. He compared their crimes with his own. Fearing he might miss his turn if he strayed to the cafeteria, he limited his breakfast and lunch to the slim pickings from a nearby vending machine. By the time his name was called, he was racked with stress.

Bush issued his verdict as soon as Ghent concluded his pitch. "I'm going to deny the restoration of civil rights," he said. He wanted to see Ghent remain on the straight and narrow a bit longer, to prove he had really changed his ways. "I hope you come back, and I wish you well."

Fifteen years later, Ghent remembers the sting of those words. "He was very dismissive," says Ghent. The ex-felon wanted to push back against Bush's decision. But he simply said, "Thank you," and turned away.

Ghent was destined to remain an unwilling member

of an unlucky club: the legions of Florida citizens—disproportionately African Americans, like him—who since the Civil War have been barred from the democratic process because of past convictions. Florida is currently one of three states that permanently disenfranchise everyone with felony convictions, even after they have completed all the terms of their sentences—a practice that today excludes nearly 1.5 million Floridians from voting, including about 20 percent of the state's black voting-age population. Under Bush, some low-level offenders regained their rights without appearing in person. But for many ex-felons, including some convicted of minor drug crimes, the only way to prevail was to show up and plead for clemency.

The year Ghent stood before Bush at the podium, the consequences of felon disenfranchisement were particularly profound. The 2000 presidential election was ultimately decided by a 537-vote margin in Florida. More than 500,000 ex-felons were barred from the polls, including at least 139,000 African Americans, who vote overwhelmingly for Democratic candidates. Their exclusion almost certainly changed the outcome of the race. The beneficiary, of course, was Jeb Bush's brother.

Bush, today a leading candidate for the Republican presidential nomination, did not invent this quasi-monarchical process. But he did embrace it. *Mother Jones* obtained more than 1,000 pages of transcripts of clemency hearings held during Bush's tenure. Together, they provide a glimpse into his moral reasoning as he weighed the worthiness of the appeals by thousands of ex-felons hoping to regain their rights. The transcripts, covering two years of hearings, show that Bush seems to have relied on an entrenched set of personal values in his rulings. If a crime involved alcohol abuse—such as DUI manslaughter cases, which were relatively common—he liked to see several years of complete sobriety before he would restore the person's rights. He was loath to approve the applications of petitioners he felt were not sufficiently remorseful or did not take full responsibility for their crimes. He sometimes asked wives in attendance to keep their husbands

in check. Ex-felons needed to prove, over years of good behavior, that they had reformed. Bush often denied clemency simply because he believed not enough time had elapsed since the completion of the petitioner's sentence. He did not appear to question the basic premise of his judgments: that the right to vote should be contingent on a citizen's moral rectitude.

"The governor believes this is a fair process," a spokesman for Bush said in 2004. At a hearing two years later, Bush said, "It's very humbling for a human being to

the colored race," Florida created county criminal courts with jurisdiction over such crimes as "larceny, malicious mischief, vagrancy, and 'all offences against Religion, Chastity, Morality, and Decency'" that were largely targeted at imposing fines, forced labor, and corporal punishment on African Americans. A few years after the new constitution took effect, Robert Meacham, a black state senator, described the county jails as "full of colored people for the most frivolous and trifling things." During Reconstruction, black men accounted for up to 90 percent of new prison inmates in Florida each year. The majority had been sentenced for some form of theft.

When Bush became governor in 1999, felon disenfranchisement had reached levels unseen in the modern era. Florida's prison population, now the third largest in the country, had ballooned during the tough-on-crime 1980s and 1990s, with African Americans disproportionately locked up. The result was that by 2010, 9 percent of all voting-age Floridians were disenfranchised ex-felons. Among African Americans, that figure was 19 percent. Throughout Bush's tenure, from 1999 to 2007, the majority of offenders exiting prisons were black.

"This is, in my opinion, nothing more than a Jim Crow law that we have unfortunately maintained to the current era," says Ion Sancho, the longtime supervisor of elections in Leon County, which includes Tallahassee.

Ghent's petition for his rights required him to take time off work, drive nearly 1,000 miles round trip, and navigate a complex application process. "A lot of people don't have the understanding of the process to be able to go through it," he says. "I believe sincerely that it's geared that way so you wouldn't be able to do it." Ghent has a saying: "First they lie, then they deny, and then they hope you die." He made the pilgrimage, he explains, because "I was determined not to die."

The 2000 election brought national attention to the hundreds of thousands of ex-felons in Florida who had lost their right to vote. Before Jeb Bush took office, Florida responded to a 1998 voter fraud scheme in Miami—a rare case of actual voter fraud—by hiring an outside firm to purge the state's voter rolls of any felons and deceased voters. The list of about 58,000 names the company [continued on page 59]

"FLORIDA IS A PURPLE STATE...YOU CAN'T HELP BUT SUSPECT PARTISAN MOTIVATION."

pass judgment on others...I worry and I wonder if I get it right."

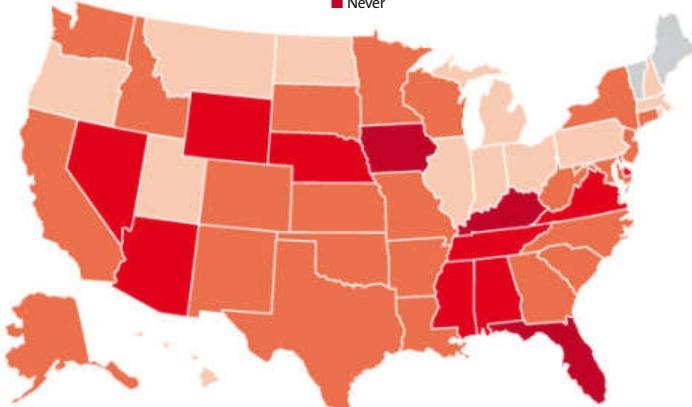
Bush's presidential campaign declined to make the candidate available for comment. In an email, a spokeswoman shared news clippings highlighting Bush's record on voting rights, including his advocacy for tighter voting restrictions, and said that "he supports vigorous enforcement policies to protect the right to vote nationwide."

FELON DISENFRANCHISEMENT in Florida has a long and ugly history. Before it became a state, the Florida Territory's constitution limited felon voting, a prevalent restriction in the nation's earliest days. But after the Civil War, when Congress made voting rights for African American men a condition for Confederate states to rejoin the Union, the South turned to felon disenfranchisement to undermine the voting rights of newly freed slaves. Florida adopted a new constitution in 1868 that expanded its felon disenfranchisement provision to cover a broader array of offenses, including vagrancy and petty theft. In a separate attempt to address "the altered condition of

THE UNFORGIVING STATE

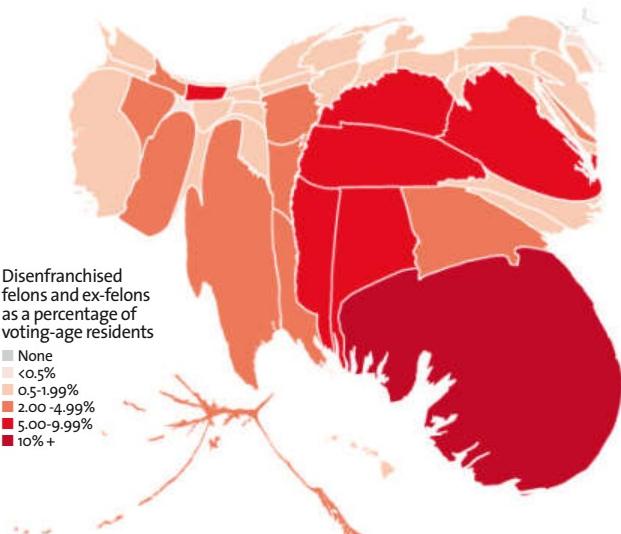
When do felons get the right to vote?

- In prison
- On parole
- After prison and parole
- After prison and parole (subject to conditions)
- Never



Source: The Sentencing Project

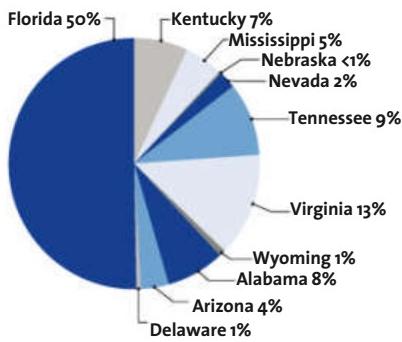
Total number of disenfranchised felons and ex-felons by state



Disenfranchised felons and ex-felons as a percentage of voting-age residents

- None
- <0.5%
- 0.5-1.99%
- 2.00-4.99%
- 5.00-9.99%
- 10%+

Where are America's disenfranchised ex-felons?



Proportion of voting-age African Americans who can't vote because they're ex-felons, nationally:

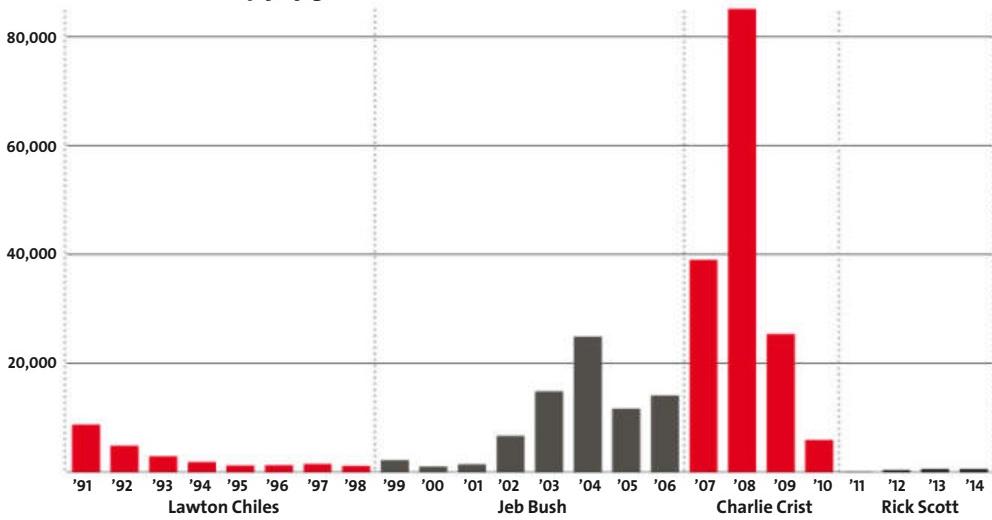
3.35%

Proportion of voting-age African Americans who can't vote because they're ex-felons, in Florida:

19.39%

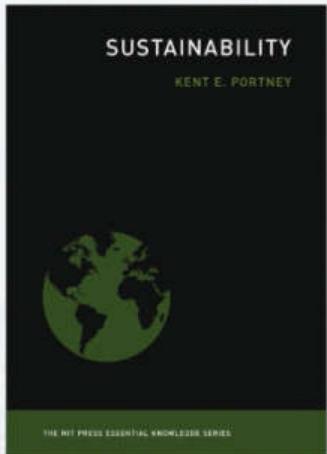
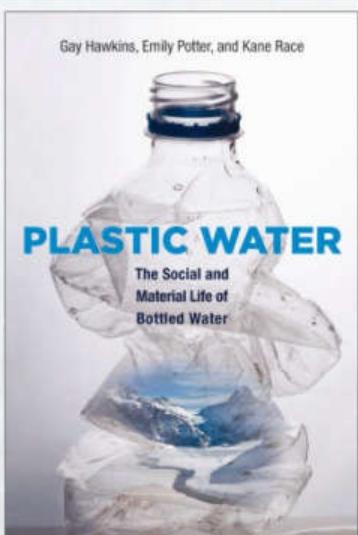
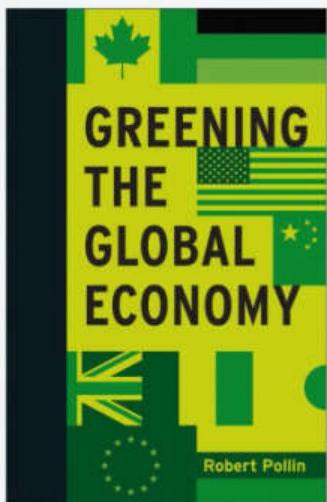
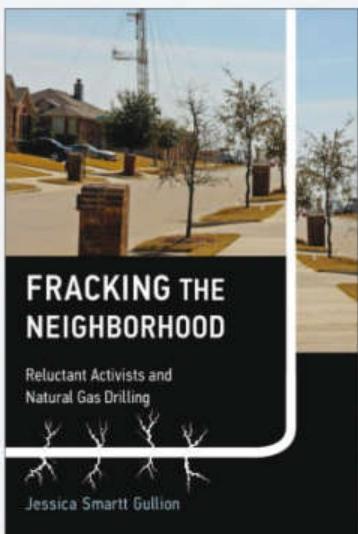
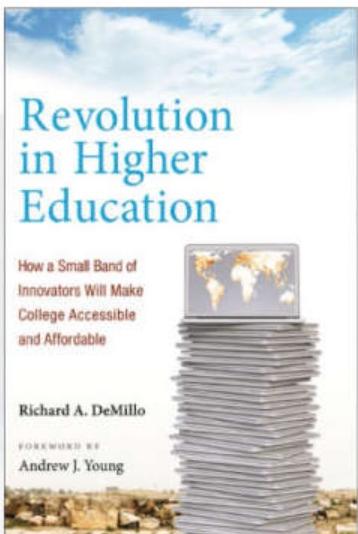
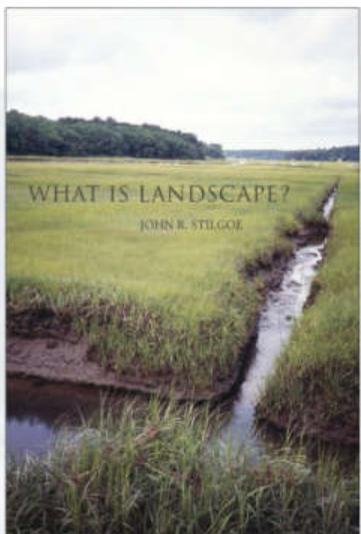
Source: The Sentencing Project

In Florida, the number of ex-felons whose rights have been restored has varied sharply by governor.



Among the petty crimes that can cost Floridians their right to vote:

- Alter an odometer to reflect a lower mileage
- Tamper with someone else's fishing gear
- Forge a certificate to fish for spiny lobster
- Possess excess trout, snook, or redfish during the community harvest
- Kill, injure, or possess an alligator egg without the proper authority
- Present a forged lottery ticket
- Sell illegally hunted deer or turkey
- Sell cigarettes marked "for export only"
- Let a student midwife practice without a supervisor
- Disclose a confidential car crash report to an unauthorized person
- Maliciously disseminate information about another person's sexually transmitted disease



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MIXED MEDIA



TRANS MISSION

The transgender movement is finally gaining real traction. One TV show deserves some credit.

BY INAE OH

FOR TV WRITER and director Jill Soloway, making good television was never enough. "I used to go on pitch meetings and say, 'I want to write something that's never been written before, something that's going to change the world,'" she said at a recent panel. After attracting attention with zany theater experiments, the Chicago-born writer was plucked to work on shows like HBO's *Six Feet Under* and Showtime's *United States of Tara*. But her breakthrough arrived when Amazon bought her series, *Transparent*.

Equal parts comedy and melancholy drama, the show follows the three Pfefferman children, who are stumbling to find their truest selves as their father (played by Jeffrey Tambor) transitions into a woman named Maura. *Transparent*'s much anticipated second season will premiere in December to a more trans-aware culture, one that has embraced Caitlyn Jenner and witnessed the hiring of the White House's first transgender employee. Soloway, 50, deserves some props for this momentum.

In 2015, *Transparent* won two Golden Globes and garnered 11 Emmy nominations, including for directing. But for Soloway, whose own father, or “moppa,” came out as transgender at the age of 75, “to feel like it’s for a larger cause is the most exciting part of all of this.” **Mother Jones:** Where can we expect to see Maura along her transition in season two? **Jill Soloway:** She’s past the “who knows?” and the “who doesn’t know?”—the coming-out drama—and now she’s on more of an identity journey: becoming herself and making decisions on her own, her body, and getting into the journey of love and sex.

MJ: Maura’s self-absorbed children seem to have a hard time with adulthood.

JS: Because their childhoods were plagued by this giant secret, they haven’t had a chance to be themselves. Everybody is feeling around in the dark, trying to figure out what the secret is and trying to understand what is real. It’s like living in a carnival fun house.

MJ: What are the challenges in developing a transgender protagonist?

JS: I want to make sure that Maura’s stories are generated and deeply felt from a place of her own desire. Because I’m not trans, I’ve brought in a lot of trans consultants, and we have trans producers. This year, we have [our first] trans woman writer, Our Lady J.

MJ: Your trans-affirmative hiring policy has led to degendered bathrooms on set and about 80 transgender crew and cast members. When you consult with them, do big debates ever arise about how to depict Maura?

JS: I wouldn’t say big debates. There’s not only one way to represent the trans experience. Some trans folks will say, “This is a great story line,” and others will say, “This is offensive.” We’re always open, and we’re lucky to have so many trans people involved.

MJ: How do you see the show’s role, given this historic year?

JS: The folks who have been living as trans people are the generators of this movement. We’re just part of the tsunami. I happen to be a family member of a trans person. I felt ready to catalyze this personal information into entertainment, so I’m happy to be part of this revolution, but it would be too much to

claim any responsibility for it.

MJ: Obstacles still exist, like efforts to police where people can use the bathroom. Do you see this changing?

JS: Yeah, I actually do. There are some simple solutions. If you go to Europe, public bathrooms have any-gender sink areas and stalls for everyone to use. This is completely reasonable. It potentially involves the destruction of the urinal industry, which I think people would be happy to see go away.

MJ: Do you think Caitlyn Jenner’s story has helped the cause?

JS: I think it’s great. There are a whole bunch of people—Republicans or sports fans or reality TV fans—who probably would never have recognized that they have trans people in their world. Caitlyn Jenner really is thinking about the movement and saving lives, so I know that her intentions are honorable.

MJ: Do your kids watch *Transparent*? Does it stoke their curiosity about gender?

JS: Well, I have one kid who’s in college, so he’s pretty caught up. And then I have a six-year-old who has been on the same journey as the rest of us, learning about a grandparent’s transition. I think kids in general are much more capable of understanding the idea of being transgender than adults.

MJ: What about your parents—how have they reacted to the show?

JS: Both of my parents have visited the set. And my moppa and Jeffrey Tambor have met, and moppa’s really quite thrilled.

MJ: You’ve described Hollywood’s sexism as a “state of emergency.” What advice could you give to female filmmakers and actresses to help fix this?

JS: Along the way, female filmmakers will have the feeling that they’re not good enough. And that’s really just a result of being “otherized” from the moment they’re born. Keep an eye out for all those insecurities, and even expect them. Borrow white male privilege and just move through the world as if it was created for you. You have to kind of talk yourself into an imaginary space where the world is on your side and expects you to speak and wants you to speak. You have to create that space for yourself over and over again. Every hour sometimes. ■

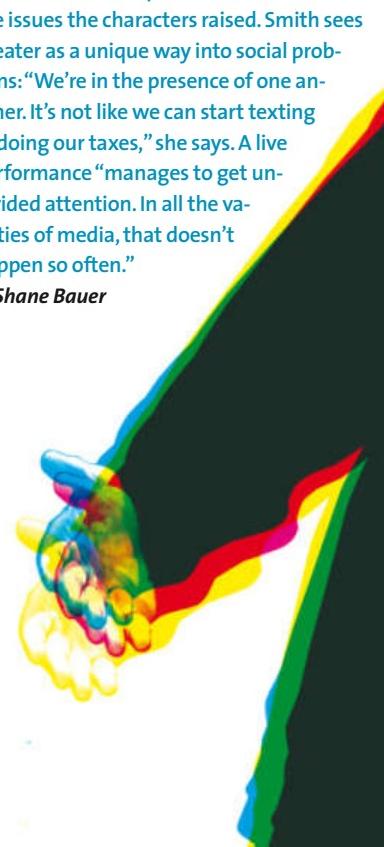
THE PRISON PORTRAITS

Anna Deavere Smith’s one-woman show on juveniles and justice

YOU KNOW HER ON-SCREEN as Gloria Akalitus in *Nurse Jackie*, or as Nancy McNally in *The West Wing*, but these days, Anna Deavere Smith is onstage, solo. As part of an ongoing project she calls *On the Road: A Search for American Character*, Smith has written and performed at least 18 one-woman plays exploring social issues around the country. Topics have included women tangling with the judicial system, the Los Angeles riots of 1992, and the uproar in Crown Heights following a 1991 car accident involving a Hasidic driver and two seven-year-old Caribbean American kids. A MacArthur “genius” fellow and a National Humanities Medal holder, Smith was recently selected to deliver the Jefferson Lecture, the federal government’s highest honor for achievement in the humanities.

For her latest play, *Notes From the Field*, Smith interviewed some 170 people—from California to her hometown, Baltimore—to inhabit characters based on individuals caught up in the school-to-prison pipeline. In the play’s second act, which Smith calls an “interruption,” she invites audience members to brainstorm potential solutions to the issues the characters raised. Smith sees theater as a unique way into social problems: “We’re in the presence of one another. It’s not like we can start texting or doing our taxes,” she says. A live performance “manages to get undivided attention. In all the varieties of media, that doesn’t happen so often.”

—Shane Bauer



Mother Jones: What came first in your life, acting or activism?

Anna Deavere Smith: One summer when I was in my 20s, I didn't have any plans, and I happened upon an acting class in San Francisco at ACT [American Conservatory Theater]. It just had my heart. I don't know that I'm an activist in the traditional sense of the word. I think what I am is a "convener"; I like to convene people around ideas.

MJ: And how did you make your way into documentary theater?

ADS: I became very interested in how the language of Shakespeare worked, how it captured character. You've heard that old expression from Shakespeare, "Just speak the speech"? The words themselves will take you to the reality of the character. And so this led me to interview people and to study them, or to do these portraits. I also became interested in telling stories from different points of view. And once you start telling stories from different points of view, you're already in a form of debate.

MJ: Any favorite plays?

ADS: Wow. A play that intrigues me right now is *Richard III*—going

back to Shakespeare. People say *House of Cards* is kind of a combination of *Richard III* and *Macbeth*.

MJ: So theater isn't dying?

ADS: Oh, theater is very exciting right now. You know, I was just with a friend who would practically do anything to get a ticket to *Hamilton* in New York. [Laughs.]

MJ: For *Notes From the Field*, you talked to different types of people, from Yurok tribal judge Abby Abinanti to former inmates. How do you go about creating a play from these interviews?

ADS: Some people study a text very deeply. The people are my text. I study their words and what their words sound like, over and over again. When I was a kid, my grandfather said that "if you say a word often enough, it becomes you." Thinking of that later in life gave me this idea that I could try to become America by learning the words of people from many aspects of the country. It doesn't matter how educated they are. By living in the world and living their experiences, they bring extraordinary truths. I try to do those truths justice.

MJ: In the second act, the tables are turned and the audience has to engage with the play they've just seen.

ADS: It's a thinking that's still in process. How can I truly cause an audience to think, debate, and act? I would like the people who have been watching to have a moment in that interruption to consider what just happened. So it's interrupting the passive observance of the spectacle.

MJ: What should we understand about the school-to-prison pipeline?

ADS: I'm in the camp that says there's a poverty-to-prison pipeline. School discipline is just one part of it. Poverty makes it very difficult in an already competitive world for kids to get on a straight track where they can actually love learning. There's a lot we know now about brain development, and about what happens chemically to cause hopelessness and despair. One of my characters points out that the majority of inmates in Pennsylvania state penitentiaries were in special ed or didn't learn to read. I mean, what more do we need to know? That could

be school discipline, but it's also the inability to reach these young people intellectually. And so they turn away from what we consider to be the root: knowledge. We have to rethink all this.

MJ: How should we try to solve this problem?

ADS: This problem, like cancer, will call for expertise in all areas. This ranges from political activism to molecular biology. Some of it has to do with policy; some of it has to do with the will of the people; some of it has to do with compassion. The most important thing we have to do is to stop blaming the teachers, and to stop blaming the kids. It's really a pathetic thing to do—to blame this huge problem on the teachers. It'd be like blaming cancer on a nurse.

MJ: Being from Baltimore, how did you respond to what happened to Freddie Gray and the unrest that followed?

ADS: Well, the story is still unfolding. The riot made it easy for me to find people to talk to. You know, whenever there's some kind of unrest and people are unsettled, they want to try to make sense out of what happened.

MJ: Do you think Obama is having an impact on criminal justice?

ADS: Obama is doing a historically important thing. He was the first sitting president to visit a federal prison. He wants to change our whole attitude toward drugs and punishment. And ever since the incidents around Trayvon Martin, he has made it clear that he's concerned about vulnerable youths, especially youths of color. We've never had a president who has prioritized those things in our country. And so even if he can't achieve that much more during his presidency, many of us hope that's what he's going to be doing when he leaves.

MJ: A number of 2016 presidential candidates have made criminal justice reform part of their campaigns. What do you make of that?

ADS: Well, it is apparently the place where both Republicans and Democrats agree: Prisons don't work and they cost too much money. So, I'm glad about that. We understand that we gotta go down a different road.

MJ: Are we living in a hopeful or dismal time?

ADS: It's a tough time. I happen to be a hopeaholic. I tend to look at problems as an opportunity to do some work.

MJ: What's next for you?

ADS: Well, I'll go back to New York and look for a job, because the job I had for seven years, *Nurse Jackie*, ended. So, I'll be looking for a job to pay my rent. ■

BOOKS

**The Devil's Chessboard**

By David Talbot

HARPER

Salon founder

David Talbot doesn't deal in subtlety in his biography of Allen Dulles. As CIA director under presidents Eisenhower and Kennedy, Dulles was the architect of a secretive national security agency that essentially functioned as an autonomous branch of government. Talbot depicts a Cold War era full of spy games and nuclear brinkmanship, in which everyone is either a good guy or a bad guy. Dulles—who deceived American elected leaders and overthrew foreign ones, who backed ex-Nazis and thwarted progressive politicians—falls firmly in the latter camp. The biography's breathless prose reads like a James Bond adventure and tugs at our modern insecurity with government intelligence.

—Aaron Wiener

The Hidden Half of Nature

By David R. Montgomery and Anne Biklé

WW. NORTON & COMPANY

In this transformative read, David Montgomery, a professor of earth and space sciences, and his wife, biologist and environmental planner Anne Biklé, unravel the universe of microbes that make dirt fertile and allow us to digest food. Both the lining of our colons and the ground beneath our feet, the authors write, are "biological bazaars where plants and people trade nutritional wares and form alliances." Combining lucid explication of emerging science with personal anecdotes,

Montgomery and Biklé, who confronted a cancer diagnosis while writing the book, reveal that our immune defenses depend on protecting and nourishing these microscopic brigades. —Tom Philpott

**My Life on the Road**

By Gloria Steinem

RANDOM HOUSE

Steinem spent her childhood crammed against her sister in the backseat of a car as her father tried to persuade roadside antique dealers to buy his wares. In *My Life on the Road*, her first book in more than 20 years, Steinem elegantly reflects on this nomadic upbringing and how it inspired her own travels. Though she never learned to drive, her tours as a young journalist introduced her to women who helped shape her ideology: disgruntled American stewardesses, passengers in a female-only Indian train car, and an Irish taxi driver who told Steinem in the 1970s, "Honey, if men could get pregnant, abortion would be a sacrament!" —Becca Andrews

FILM

The Armor of Light

FORK FILMS

Rattled by a mass shooting at the Washington Navy Yard in 2013, the Reverend Rob Schenck begins to question whether it's possible to be both anti-abortion and pro-gun. In her arresting documentary, *The Armor of Light*, filmmaker Abigail Disney (Walt's grandniece) trails Schenck on a journey of self-reflection to shooting ranges, a National Rifle Association convention, and small-town church halls. At one gathering, Schenck is left speechless

One Nation, Under Pod**Alex Blumberg's quest to create the HBO of podcasts**

Despite a successful career in public radio, Alex Blumberg says he never showed any "entrepreneurial spunk." That changed when he left a comfortable post at NPR's *Planet Money* and, together with Matt Lieber, began to court venture capitalists to help launch a podcast incubator. The resulting company, Gimlet, has attracted at least 4 million monthly listeners and \$1.5 million from investors. Its portfolio of highly produced shows includes *StartUp* (the first season told the inside story of starting up Gimlet); *Reply All*, which takes on internet culture; and *Mystery Show*, in which host Starlee Kine solves seemingly trivial problems. *Awesome Boring*, the newest show, sets out to make dull topics, like free throws, interesting; it's the brainchild of Adam Davidson, Blumberg's former cohost at *Planet Money*, and filmmaker Adam McKay. Blumberg talked to *Mother Jones* about the biz; read the full interview at motherjones.com/gimlet.

**On Gimlet's first months:**

We didn't really have an office. So we had these two business calls, I remember, where we were both walking around the streets of Manhattan on our cellphones about a block apart from each other. Every time a siren would go by, it was just awful.

the hosts. They're like friends who are teaching you stuff, and they're telling great stories. One of the things I think audio does best is creating empathy. That might sound a little crazy, but I truly believe it. When you're hearing somebody and not seeing them, your brain naturally creates a version of them. Then you feel closer to them because you've created them.

On goals: Right now there are lots of podcasts that are cheaper to produce, and many of them are great. But there's an opportunity in reporting and sifting stuff out and cutting, honing things. I feel like those take more work. You're polishing them a little bit longer, fussing with them. We're not going to produce tons of it, but the content we produce, we're going to try to make it stand out.

On audience: People want companionship. *Radiolab* is sort of like hanging out with

On longevity: Radio was supposed to die when TV came along. It turns out that radio grew and grew, and it's a bigger business today than it has ever been. People really like to listen to other people talk; sometimes listening is the only thing you can do. Audio is the only medium you can consume while you're multitasking. Now that everybody has a smartphone and everybody's car is connected, it's a brand new world. —Edwin Rios

Chicago Doctor Invents Affordable Hearing Aid Outperforms Many Higher Priced Hearing Aids

Reported by J. Page

CHICAGO: A local board-certified Ear, Nose, and Throat (ENT) physician, Dr. S. Cherukuri, has just shaken up the hearing aid industry with the invention of a medical-grade, affordable hearing aid. This revolutionary hearing aid is designed to help millions of people with hearing loss who cannot afford—or do not wish to pay—the much higher cost of traditional hearing aids.

"Perhaps the best quality-to-price ratio in the hearing aid industry" — Dr. Babu,
Board-Certified ENT Physician

Dr. Cherukuri knew that untreated hearing loss could lead to depression, social isolation, anxiety, and symptoms consistent with Alzheimer's disease. He could not understand why the cost of hearing aids was so high when the prices on so many consumer electronics like TVs, DVD players, cell phones, and digital cameras had fallen.

Since Medicare and most private insurance plans do not cover the costs of hearing aids, which traditionally run between \$2,000-\$6,000 for a pair, many of the doctor's patients could not afford the expense. Dr. Cherukuri's goal was to find a reasonable solution that would help with the most common types of hearing loss at an affordable price, not unlike the "one-size-fits-most" reading glasses available at drug stores.

He evaluated numerous hearing devices and sound amplifiers, including those seen on television. Without fail, almost all of these were found to amplify bass/low frequencies (below 1000 Hz) and were not useful in amplifying the frequencies related to the human voice.

Inspiration from a Surprising Source

The doctor's inspiration to defeat the powers-that-be that kept inexpensive hearing aids out of the hands of the public actually came from a new cell phone he had just purchased. "I felt

- Designed by a Board-Certified Ear, Nose, and Throat (ENT) Doctor
- Doctor-Recommended, Audiologist-Tested
- ★★★★ Top rated hearing aid online—thousands of satisfied customers
- Batteries Included! Comes Ready To Use
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that if someone could devise an affordable device like an iPhone® for about \$200 that could do all sorts of things, I could create a hearing aid at a similar price."

Affordable Hearing Aid with Superb Performance

The high cost of hearing aids is a result of layers of middlemen and expensive unnecessary features. Dr. Cherukuri concluded that it would be possible to develop a medical-grade hearing aid without sacrificing the quality of components. The result is the MDHearingAid PRO, well under \$200 each when buying a pair. It has been declared to be the best low-cost hearing aid that amplifies the range of sounds associated with the human voice without overly amplifying background noise.

Tested by Leading Doctors and Audiologists

The MDHearingAid PRO has been rigorously tested by leading ENT physicians and audiologists who have unanimously agreed that the sound quality and output in many cases exceeds more expensive hearing aids.

MDHearingAid® >>PRO



Doctors and patients agree:

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"LOWEST AFFORDABLE PRICE"**

"I have been wearing hearing aids for over 25 years and these are the best behind-the-ear aids I have tried. Their sound quality rivals that of my \$3,000 custom pair of Phonak Xtra digital ITE."

—Gerald Levy

"I have a \$2,000 ReSound Live hearing aid in my left ear and the MDHearingAid PRO in the right ear. I am not able to notice a significant difference in sound quality between the two hearing aids."

—Dr. May, ENT Physician

"They work so great, my mother says she hasn't heard this well in years, even with her \$2,000 digital! It was so great to see the joy on her face. She is 90 years young again."

—Al Peterson

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after Lucia McBath, whose son, Jordan Davis, was shot and killed at a Florida gas station, proclaims, "We've replaced God with guns as our protector." Moments like this form a moving portrait of a conservative preacher newly at odds with his compatriots.

—Edwin Rios

MUSIC



TRACK 9
**"You Will
 Not Take My
 Heart Alive"**

From Joanna Newsom's *Divers*
 DRAG CITY

Liner notes: The fluttery voice and art-pop arrangement suggest a hopeless eccentric, but this ballad boasts a catchy refrain worthy of a pop hit.

Behind the music: Married to comic actor Andy Samberg, Newsom appeared in and narrated the film *Inherent Vice*, directed by Paul Thomas Anderson.

Check it out if you like: Charismatic mavericks like Björk, Kate Bush, or Van Dyke Parks.



DISC 1, TRACK 7
**"The Living
 Bubba"**

From Drive-By
 Truckers' *It's Great to Be Alive!*
 ATO RECORDS

Liner notes: "I can't die now, 'cause I got another show to do," moans Patterson Hood in this chunky, down-home rocker, saluting fellow Southern musician Gregory Dean Smalley, who died from AIDS.

Behind the music: Originally featured on *Gangstabilly*, the Truckers' 1998 debut album, this defiant lament has been cited by the prolific Hood as the best song he ever wrote.

Check it out if you like: The Bottle Rockets, Jason Isbell, or Warren Zevon. —Jon Young

Mr. Negrito, Soul Survivor

A singer continuously
 reinvents himself.

The man now known as Fantastic Negrito is wearing a three-piece checkered suit with a crisp, mustard-yellow shirt. Two small holes mark the knees of his pants, and orange striped socks flow into his tan leather shoes. The 47-year-old singer-songwriter hammers away on his Goodwill-bought guitar in a ravaged section of downtown Oakland, California, talking about how this is the place "where the real shit comes from." Need to test a song? "Hit the streets. It's very unsafe, and that's good—strangers tell you the truth."

Xavier Dphrepaulezz (his real name) isn't supposed to be here, not really. Ever since he made it to what people keep telling him is "the big time," he's had to sneak out. Last February, he beat nearly 7,000 contestants competing for a chance to perform in an NPR Music Tiny Desk Concert, and he's been on a meteoric rise ever since: His EP of raw, impassioned roots music reached No. 7 on *Billboard*'s blues charts in February and was iTunes' No. 7 blues album in August. His managers want him to save his voice for the paying gigs. They're asking him: *Why would a venue pay 10 grand if you keep playing in the streets for free?*

But this is where it all began—at train stops and doughnut shops—before the "international sensation" talk, the courtship from major record labels, and invitations to play music festivals like South by Southwest and Outside Lands. His success happened so fast, seemingly overnight: "I throw up before every show, man. Terrified."

The road to becoming Negrito could have started in his childhood: a troubled upbringing in the hood, a stint "slinging crack for the CIA" in the '80s, the death of his brother and a friend, some time in foster care during his teens. There was the beginning of a music career: a million-dollar deal with Interscope Records and a polished but failed studio album that, he says, "didn't connect with anyone." But it really began with a car accident one late night in Los Angeles in 1999.

Dphrepaulezz doesn't remember the impact, only that there was a pretty girl in the passen-



ger seat, then what felt like a lifetime of vivid dreams. The coma lasted three weeks, until he emerged to a stale hospital room where steel rods pinned his broken bones together. His strumming hand was permanently locked at the wrist, creating what he calls "the claw."

After the coma, he didn't pick up a guitar for five years, partly because of his injuries, partly because he was disillusioned with his first try at a career. But he did get grounded, got married, had "a beautiful child." One night, when his 18-month-old son was inconsolable, Dphrepaulezz found an old beat-up guitar, played an open G chord, and, as he told *SFGate*, "the look on his face was the most honest and committed expression of joy I had seen in my life."

He dove back into music with a series of alter egos and new acts: Blood Sugar X, Chocolate Butterfly, Soul Pony, Me and This Japanese Guy. "One was electronic, one was neo-soul whatever, one was kinda punk, one was like this bluesy thing, but it sounded weird. It was like black Robert Plant."

He ultimately chose the name Fantastic Negrito to demonstrate his love for the Delta blues that his great-uncle listened to but that Dphrepaulezz shunned until he could appreciate the suffering it expressed. He's lived through enough for it to feel sincere now.

In April, Amazon picked up his song "Honest Man" as the title track for its show *Hand of God*, about a corrupt judge on his own sort of quest. Dphrepaulezz aims to release an album by the end of the year and will soon head out on tour.

Is Fantastic Negrito just another alter ego he'll soon shed? He doesn't think so. "This is the most honest one." With the other identities, he never felt connected with people the way he does now. "I just played these roles. They seemed true," he says. "But it takes a long time to find the truth."

—Bryan Schatz

NEW

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cowed

[continued from page 45] Institute, which spends \$19 million a year “to establish the health benefits of dairy products and ingredients.” Even Willett acknowledges that he has received a “very small” dairy industry grant. Dairy companies also donate heavily to the American Society for Nutrition, which publishes the influential *American Journal of Clinical Nutrition*, and the Academy of Nutrition and Dietetics, “the world’s largest organization of food and nutrition professionals.”

Then there are the industry’s donations to politicians. Dairy companies spent nearly \$63 million on federal lobbying and gave \$24 million to candidates between 2004 and 2014.

“There is no disputing, multiple health authorities have independently evaluated the evidence and recognize the importance of three servings of dairy foods each day,” Erin Coffield, a spokeswoman for the National Dairy Council, wrote in response to questions from *Mother Jones*. While acknowledging that such evidence often comes from industry-funded scientists, she stressed that these researchers work autonomously, submit their results to peer review, and sometimes publish findings at odds with the companies’ bottom lines.

But does industry funding ever sway the outcome? In 2007, Lenny Lesser, a doctor at the Palo Alto Medical Foundation Research Institute, wanted to find out. He scoured the Medline database, which includes every reputable health-science journal, and came up with 79 studies on milk published between 1999 and 2003. More than one-third of the studies received at least some dairy industry funding. Of the 15 studies funded entirely by companies, not a single paper reached conclusions unfavorable to corporate interests.

GOOD-FOR-YOU claims have always been central to the success of the modern dairy industry. In the 1840s, the biggest consumers of milk were busy mothers who gave it to their babies as a substitute for breast milk. Quotes and endorsements from medical experts featured prominently in the first dairy ads, taken out in women’s magazines in the 1880s by the makers of milk-based baby formulas such as Nestlé’s Food. Over the next few decades, a time when American cities were rife with over-crowding and disease, milk ads and labels

on cartons featured rosy-cheeked milkmaids and idealized farm scenes.

By the Great Depression, when prices collapsed, the perception of milk as nutritious helped the dairy industry win its first government subsidies. Congress passed the Agricultural Marketing Agreement Act of 1937, which gave federal regulators the power to set minimum prices for milk purchased by processing and bottling companies. In 1946, under the National School Lunch Act, every subsidized school lunch was required to include enough dairy to equal at least the amount in a cup of whole milk.

The federal dietary guidelines that strengthened the dairy industry got their start, ironically, with none other than Willett’s mentor Hegsted, who had also done groundbreaking research linking saturated fats to harmful cholesterol buildup. Hegsted’s work caught the attention of Sen. George McGovern (D-S.D.), who in 1978 had Hegsted appointed as the USDA’s first-ever administrator of human nutrition. Two years later, Hegsted’s office published the seminal Dietary Guidelines for Americans, a precursor to what would become MyPlate. His guidelines were noncontroversial by today’s understanding of good nutrition. They called for boosting consumption of vegetables and whole grains while moderating consumption of sugar and animal fats—including fat from dairy products. Food industry lobbyists threw a fit: “The meat, milk, and egg people thought the USDA had stabbed them in the back,” Hegsted would later tell an interviewer. “They thought or assumed the primary obligation of the USDA was to protect and promote agriculture,” not to base food initiatives such as the National School Lunch Program “on the best nutrition evidence.”

The dairy industry continued its fight against the recommendations, and though the USDA didn’t eliminate Hegsted’s guidelines, it slowly altered them over the years in a way that would put dairy foods on a pedestal. After the Reagan administration took power in 1981, the USDA quietly got rid of Hegsted’s position and reassigned him to an administrative backwater. “There appeared to be no one on the Hill to defend us,” wrote Hegsted, who passed away in 2009. “Eventually I gave up.”

By 2006, the Cato Institute pegged the

overall value of federal dairy subsidies—tax dollars that the government doles out to farmers to supplement their income and ensure a robust commodities market—at \$4.5 billion. By another measure, that’s a quarter of the wholesale price of every gallon of milk sold, or 40 percent of dairy farmers’ incomes. In 2009, federal nutrition programs accounted for 20 percent of America’s dairy sales. In 2014, the industry squeezed more than 24 billion gallons of milk from 9.3 million cows and sent a lot of it overseas—since 2003, two-thirds of the growth in milk sales has come from exports. (The amount of milk sent to China, fueled by the demands of a rising middle class and anxiety about food safety, increased by a staggering 200 percent from 2010 to 2013.)

In the United States, people haven’t increased their individual dairy consumption for years, and sales of liquid milk—the most profitable dairy product—have slipped steadily since the 1950s. In the decades that followed, many consumers heeded nutritionists’ warnings about the dangers of saturated fats and ditched whole milk, but they never took a liking to the low-fat versions. The industry’s response, enacted by Congress in 1983, was to create the dairy checkoff, a program that funds dairy research, helps food retailers develop dairy-based products, and pays for ads. Supervised by the USDA, it’s funded to the tune of \$200 million a year by a mandatory, \$3-per-ton fee that dairy producers pay on wholesale milk. Today, the initiative is best known for its wildly successful “Got Milk?” campaign.

For a government-backed initiative, the checkoff program can at times seem blind to public health matters. According to a report released last year, McDonald’s has six dairy checkoff employees stationed at company headquarters. Since 2009, they have helped the fast-food giant create 27 new dairy-based products, including the McCafé Frappé Chocolate Chip, which contains 520 calories and as much sugar as nearly seven Krispy Kreme doughnuts. The dairy checkoff has also partnered with Taco Bell, Pizza Hut, Domino’s, and Coca-Cola.

Teaming up with fast-food companies is part of Big Dairy’s larger strategy of beating back competition from soft drinks and junk food. In 2013, when the USDA was tightening the nutritional rules

I'll be the judge of that

for snacks served in school cafeterias, the International Dairy Foods Association convinced the agency to allow sugary dairy products like chocolate milk (see page 45) and Danone's YoCrunch (yogurt with sweet toppings such as M&M's). Even when Berkeley, California, enacted the nation's first-ever tax on sugary beverages last year, it exempted sweetened dairy products, citing their nutritional benefits.

THE MOUNTING EVIDENCE against dairy does not seem to have swayed the Dietary Guidelines Advisory Committee. In a lengthy report last February, the group pretty much upheld the industry line: It reaffirmed the claim that dairy products help prevent bone fractures, with a caveat that the evidence is "limited"; it also touted the power of dairy consumption to reduce a person's risk of diabetes, metabolic syndrome, cardiovascular disease, and obesity. Plant-based drinks such as soy, almond, and rice milk don't stack up to cow's milk, the committee concluded, because a person must consume more of them, calorie for calorie, to get the same amount of calcium.

Willett says the committee's evidence for the claim that dairy lowers the rates of cardiovascular disease is "incredibly flimsy" because it's based on limited data and is contradicted by more recent research he's seen showing that dairy has no effect on cardiovascular disease rates. What's more, he says, to suggest even a weak link between dairy consumption and lower bone fracture rates "really misrepresents the literature." Finally, Willett points out that the committee doesn't mention the science linking dairy consumption and cancer—even though other respected bodies do. The Prostate Cancer Foundation recommends that men cap calcium intake at 1,500 milligrams a day. The calcium-cancer link has been accepted by France's Ministry of Health and the United Kingdom's National Health Service, which both recommend just 700 milligrams a day.

"You can get plenty of calcium as an adult from one serving of dairy a day in combination with an otherwise reasonable diet," Willett says. But even that amount might be superfluous. Given that many perfectly healthy societies consume very few milk products, Willett adds, "it seems quite clear that dairy is not essential." ■

[continued from page 48] drew up was deeply flawed. It contained many Floridians with only misdemeanor offenses, and others with no criminal records at all, sometimes because they had names similar to those of felons. It singled out African Americans, who made up 11 percent of registered voters in the state but 44 percent of the purge list. According to Edward Hailes, a lawyer with the US Commission on Civil Rights, the number of African Americans wrongfully expunged from the rolls who would have voted for Al Gore was 4,752—nearly nine times greater than the 537 votes that handed George W. Bush the presidency. The purge was, as Hailes told *The Nation*, "outcome-determinative."

The original disenfranchisement law "had terrible racial and anti-democratic effects," says Jessie Allen, an attorney who worked on an unsuccessful legal challenge to Florida's felon disenfranchisement regime in the early 2000s. "But as the 2000 election demonstrated, the state administered the law in ways that exacerbated those effects."

Under Jeb Bush, Florida undertook a second voter purge—again with a sharp racial skew—in 2004, the next presidential election year. Of the 48,000 people on the second list, 22,000 were black. Just 61 people on the list were Hispanic, at a time when Florida Hispanics, including the Cuban community in Miami, voted solidly Republican. After the media made the list public, and with a potential lawsuit looming, Bush abandoned the purge.

In the beginning, felon disenfranchisement "was racial," says Sancho, an outspoken critic of both purges. But after the 2000 election, he observed, it "turned into a partisan issue." In his new book, *Give Us the Ballot*, journalist Ari Berman argues that the 2000 election inspired efforts to suppress voting across the country, after Republicans witnessed their party's electoral success in Florida when thousands of Democratic-leaning voters were kept off the rolls.

Voter suppression laws proliferated after the Republican wave election in 2010, and again in 2013, when the Supreme Court struck down a key provision of the 1965 Voting Rights Act that required states with a history of disenfranchising African Americans to gain Department of Justice approval of any changes to voting laws. GOP-controlled legislatures have increasingly turned to voter ID laws that effec-

tively keep minority voters from the polls, and have rolled back early voting days and Sunday voting, when black churches mobilize their parishioners after services. Over the last five years, nearly half of all states have passed laws making it harder to vote.

Felon disenfranchisement has likewise grown under Republican governors, after years of loosening restrictions on felon voting around the country. Iowa Gov. Terry Branstad made felon disenfranchisement permanent in 2011. Maryland Gov. Larry Hogan vetoed a law earlier this year that would have allowed felons to vote while on probation or parole. In Florida, Gov. Rick Scott has made the rights restoration process more restrictive than it had been in decades.

"Florida is a purple state," says Aubrey Jewett, a political science professor at the University of Central Florida. "Many statewide elections are quite close. Keeping potentially tens of thousands or hundreds of thousands off the rolls when a majority of those voters are probably going to vote Democratic, you can't help but suspect partisan motivation."

BUSH FOUND HIS role as moral arbiter-in-chief to be "one of the most interesting parts of the job." He applied some creative metrics to determine whether a petitioner deserved the right to vote. During a March 2006 clemency hearing, ex-felon Tim Jones was explaining why he wanted his rights back—to set a good example for his children—when Bush cut him off. "Tell me about your traffic record," the governor said. "This is one of the most horrendous records I've seen in a long time."

"My traffic record?" Jones responded, incredulous.

"It's one signal of whether you respect the rules of society," said Bush. He frequently grilled ex-felons on their driving records, although Florida residents are among the most likely in the country to get speeding tickets, according to the National Motorists Association. (The *New York Times* reported this spring that Florida Sen. Marco Rubio and his wife had received a combined 17 citations since 1997.) Bush pointed to Jones' record, with 30 citations dating back 20 years: "Imagine if everybody drove like you, all in the same place. We'd have chaos."

Bush issued an ultimatum: Jones could regain his civil rights if he lasted one year without a single traffic violation. That meant Jones could not vote in the guber-

natorial or congressional elections that November. “Drive back home very slowly,” Bush warned him. “We’re starting today.”

Bush’s guiding principle during these hearings was that ex-offenders needed to prove their lives were back on track before he would restore their rights. But research shows the inverse to be true: The restoration of civil rights helps ex-felons reintegrate into society. Studies in Florida have found that ex-felons who have their rights restored have a 20 percent lower recidivism rate than those who don’t. “I do the voter registration drives in their communities and see the individuals avert their eyes,” Sancho says of disenfranchised African Americans. “They’re ashamed. They’ve lost their right to vote and they can’t register to vote.”

In 2002, black state legislators successfully sued the state for failing to provide ex-felons with the necessary paperwork to apply for restoration, forcing the administration to consider an additional 155,000 applications. To cope with the new workload, Bush revised the rules to allow certain low-level offenders to regain their rights without submitting an application, and he made more people eligible for rights restoration without a hearing. He also simplified the application process by allowing ex-felons to request their rights online, by phone, or by email. At his final clemency hearing in December 2006, he boasted that under his watch, more than 73,000 people had regained their rights without a hearing, a 200 percent increase from under the previous governor, Democrat Lawton Chiles.

Still, the number of disenfranchised ex-felons grew under Bush, as rights restorations failed to keep pace with the tens of thousands of offenders who exited the criminal justice system each year. Ultimately, Bush approved just one-fifth of the 385,522 applications for civil rights submitted during his eight years in office.

Bush’s successor, Republican Charlie Crist (who has since become a Democrat), made the restoration of rights automatic for nonviolent offenders who met basic criteria. In 2008, more than 85,000 ex-offenders had their rights restored—more than during Bush’s entire tenure. But even under Crist, those numbers waned as the docket of outstanding low-level cases shrank and budget cuts meant fewer staff to work through the backlog. In his final year in office—as he was gearing up for a

Republican Senate bid, with a tough primary challenge from Rubio—fewer than 6,000 people had their rights restored. Under the current governor, Scott, restorations have nearly ground to a halt, with just 78 applications approved in 2011.

Churches and civil rights groups like the ACLU are collecting signatures for a citizens’ initiative that would expand the restoration of voting rights, but it’s not likely to appear on the ballot before 2018. Howard Simon, executive director of the state’s ACLU branch, calls lifetime felon disenfranchisement “the great unfinished business of the civil rights movement in Florida.”

Despite undeniable evidence of systemic racial disparities in Florida’s voting restrictions, on a case-by-case basis the hearing transcripts from Bush’s tenure reveal a haphazard process. Did the ex-offender sufficiently convey his regret? (“People that come here need to have in their hearts some sense of remorse for what they did,” Bush said in denying one man’s rights in June 2000.) Did an ex-felon ask too many questions? (“I’d quit talking if I was you,” he warned another man who continued to ask questions after getting back his civil rights. “We could change our mind here.”) Could the petitioner take time off work to make the trip to Tallahassee? (Dozens of ex-offenders had their applications denied simply for failing to appear.) Despite Bush’s fondness for his own criteria—time elapsed, speeding tickets accrued, alcohol consumed—winning the right to vote often came down to luck.

“It reminds me of the serfs entering the castle and asking for assistance from the king,” says Sancho. “And depending upon how they feel that day, you might get it—or not.”

WHEN HAROLD Finocchiaro appeared before Bush, near the end of Bush’s last day of clemency hearings in 2006, the governor seemed in high spirits. Finocchiaro’s frank account of his past criminal behavior endeared him to Bush, who playfully interjected his thoughts as Finocchiaro told his wild tale.

Finocchiaro described how drug and alcohol abuse led him “to kind of go crazy” during a midlife crisis. He frequented Orlando’s topless bar scene and developed a cocaine habit. “Being a drug user, you try to sell drugs to use drugs, and that’s what I was doing,” he acknowledged. Eventu-

ally, the law caught up with him. On his attorney’s advice, Finocchiaro fought the charges all the way to trial, which resulted in a longer sentence than if he had taken a plea bargain. He had been in denial, he said, that he deserved any punishment at all.

“But you admit you committed a crime, right?” Bush interrupted. “Bad lawyer aside.” Finocchiaro hastily agreed he was guilty. “It sounded like you were excusing—blaming the lawyer,” Bush added. “Because I’ve done that sometimes, but not in this kind of setting.”

Finocchiaro continued with his story. “Now I’m in prison, and I’m unhappy, so I walk away,” he said. “I actually leave.” Confused, Bush interrupted again to ask how he managed that. “It was a low-security penitentiary,” Finocchiaro explained.

“There you go,” Bush replied, clearly enjoying the repartee.

Finocchiaro eventually returned to prison and joined Alcoholics Anonymous. By the time of his hearing, he had been sober 10 years. He owned a small business. He checked all of Bush’s usual boxes. The governor delivered his verdict. “I recommend that we grant the restoration of civil rights,” Bush said.

He commended Finocchiaro for making the trek to Tallahassee. “It’s good to come up,” Bush said. “You probably would have been denied had you not been here.”

Ghent’s thousand-mile journey, on the other hand, left him where he started. But he decided not to abide by Bush’s rejection. In a twist befitting Florida’s topsy-turvy voting system, Ghent went ahead and cast a ballot in the 2000 election, according to Miami-Dade County records. And while thousands of other Floridians were wrongfully barred from the polls, Ghent’s vote was counted. He went on to vote in several elections before his rights were ultimately restored, without a hearing, in July 2005, after Bush’s loosened rules had gone into effect. Ghent can’t remember why he voted in 2000 or how it happened. “Maybe,” he says with a laugh, “I slipped through the cracks.”

It’s further evidence of the lack of fairness in determining who gets to vote in Florida—a system that’s “flawed to a fault,” Ghent believes. “Most people don’t understand what disenfranchisement means,” particularly to African Americans, he says. “It means a lot. It means a lot.” ■

the fall of king coal

[continued from page 41] narrows to one lane in several places where the asphalt has collapsed into the valley below. Blankenship's primary mansion, just past a bait shop, is out of sight but hard to miss. Behind high iron gates and hedges that wouldn't be out of place in Palm Beach, you can just make out the grand green-and-white complex, with a helicopter pad and a large garage.

Downtown Matewan is a small place, hemmed in by floodwalls engraved with scenes of gunfights and toiling miners. When I inquired at the library about some old high school yearbooks, the librarian apologized and said they had none, but she pointed me toward the post office and told me to talk to a woman there named Crystal, who could put me in touch with Blankenship's daughter, Jennifer, who runs the mail route for the town. I never heard from Jennifer, but the next day I met a man named Elmer Hatfield, a painter who is a member of the illustrious clan, and he told me that he'd heard from Blankenship's son-in-law that I was working on a story. News travels fast.

Blankenship's presence is felt every-

where. Across from the historic downtown, at a reconstructed railroad depot—built with funding from Massey—a placard invites visitors to stop by a nearby diner, where you might find Blankenship and “shake him down” for a free lunch. The diner is now closed. So is Blankenship's alma mater, Matewan High, where E. Morgan Massey once built a football field in exchange for the right to store coal waste beneath it. Matewan students now take a bus on King Coal Highway to a new county school, built on a former surface mine. (Its mascot is the Miners.)

When a coalition of state and local groups, including the UMWA local chapter, opened the West Virginia Mine Wars Museum in Matewan last May, Blankenship got curious and popped in. It's a small space, but with a rich collection of artifacts from the industry's bloody past. A UMWA ballot from 1982 that presaged Trumka's showdown with Rawl Sales sits by the front entrance, near a poster advertising a visit to Matewan by Mary Harris Jones weeks before the massacre. Coal executives and their allies do not come off well in the exhibits. The indicted

tycoon took it all in during his visit, and then he sat down and talked for a while with a docent, waxing nostalgic about the heyday of coal-company baseball leagues, when each mine fielded its own nine. A proud student of the game, he rattled off pitchers from 60-year-old company squads as if they were Yankees. When Blankenship ran into Wilma Steele, a museum board member and his former high school classmate, he joked that what the venue really needed was mummies—“union mummies.”

“The thing with Don is, can you imagine if he'd been hired by the West Virginia treasury department?” says Steele, as we sat in the front of the museum surrounded by artifacts of armed confrontations. “He would've just weeded out corruption! He would've got things running! He would've been a good person.” This is the tragedy of Don Blankenship to his fellow citizens of Mingo County. He could have been seen as the savior he saw himself as. “I hope he comes back to Matewan,” Steele says, sounding almost surprised by her own words. “After he goes to jail. He could do some good.” ■

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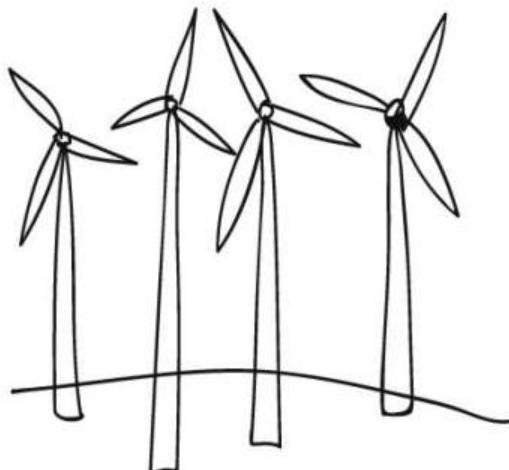
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Thanks to a host of ingenious tech tweaks, air travel is light-years better for the planet than it used to be.

BY TIM McDONNELL



In July, British tabloid the *Daily Mail* came out with a screaming headline: "EXCLUSIVE: Video shows Hillary Clinton boarding private jet just hours after launching global-warming push."

Clinton's strategy to slash carbon dioxide emissions, the *Mail* gleefully reported, didn't preclude her from traveling on an aircraft that burns hundreds of gallons of jet fuel every hour.

Air travel by environmentalists has long been an easy punching bag for conservative pundits—and private jets like Clinton's probably deserve some sneering. But for those of us who have to make do with commercial airliners, flying is becoming much easier to defend. Michael Sivak, a transportation researcher at the University of Michigan, has found that from 1970 to 2010, the amount of energy consumed per mile, per passenger, on an average do-

mestic flight dropped 74 percent. From 1968 to 2014, the fuel efficiency of new airplanes improved 45 percent, according to the International Council on Clean Transportation (ICCT).

For this good news, we can thank airlines' obsession with fuel, which accounts for roughly one-third of their expenses. At Boeing, the world's largest aircraft manufacturer, there's a rule of thumb: A 1 percent improvement in efficiency adds up to \$1 million in fuel savings over the course of a single-aisle plane's 25-year life span.

How are aircraft manufacturers making planes more efficient? For starters, they're continually fine-tuning jet engines to create more thrust, by squeezing hotter, higher-pressure air into the turbines and increasing the flow of air around the jet. Planes are also becoming more aerodynamic with design changes like drag-reducing wingtip fins and

a more slippery paint inspired by sharkskin. They're getting lighter, as manufacturers experiment with new composite materials and shave ounces everywhere from the engine to the onboard entertainment system. And they're more crowded: Today the average domestic flight takes off with 84 percent of its seats filled, up from 70 percent in 2002, according to federal data. (The number of people flying has been on a steady incline since bottoming out after 9/11 and dipping again following the 2008 recession.) Add up these and other factors and, according to Sivak's research, you'll find that flying uses 52 percent less energy than driving does to move one person one mile.

All that sounds encouraging, but don't give up just yet on your plans to drive to Mom's house for Thanksgiving. Sivak's findings could be misleading, says Dan Rutherford, an aviation analyst at the ICCT, because they're based on fuel efficiency data for US passenger aircraft and cars during an *average* trip, which is nine miles for cars but more than 900 miles for planes. In other words, they show that the average car ride consumes more energy per mile, per passenger, than the average flight. But that's like comparing apples and oranges, Rutherford says: "You don't fly a plane to the corner store." If a car and a plane both make a trip that's between 300 and 500 miles, the math tips back in favor of cars.

That's because cars get better fuel efficiency on the highway, and planes on short flights consume as much as 25 percent of their fuel during takeoff and landing. On longer flights, that peak burn rate is averaged out over more miles, meaning the overall fuel efficiency is better. In other words, the farther your flight, the more competitive its efficiency becomes com-

pared with that of cars. (For what it's worth, the best way to get home for Thanksgiving is on a bus: Rutherford found that for trips between 300 and 500 miles, intercity buses have about three times the per-passenger fuel efficiency of an average car.)

The cars versus planes debate has other confounding factors: Due to the burn rate on takeoff and landing, any flight that requires a connection is a nonstarter, climate-wise. Meanwhile, scientists have estimated that the global-warming impact of airplane emissions at cruising altitude is up to four times greater than the impact when similar gases are released by cars on the ground.

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Because airlines are so obsessed with lowering costs, they continue to tinker with technologies that will improve fuel efficiency. One of the most promising is an open-rotor jet engine that would get rid of the heavy casing surrounding the rotating fan blades and allow more air to flow around the jet, boosting propulsion. Recent tests by General Electric suggest

this change could reduce fuel consumption by a quarter. Airlines are also exploring ways to use more biofuels. United, for example, will soon use on some flights fuel made partially from farm waste. And over the summer, the Obama administration lobbed another potential fuel efficiency incentive at airlines: a proposal to designate emissions from planes as a danger to human health. This would be an initial step toward implementing the nation's first fuel efficiency standards for aircraft.

So, private jets aside, there's no need to swear off flying altogether: Reduced-guilt aviation could be just over the horizon. ■

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The End of Junk?

Americans are craving healthier snacks—and Big Food wants a piece of the pie.

BY TOM PHILPOTT

Come January, Kraft Macaroni & Cheese will deliver to consumers a new pasta—one whose day-glow hue is derived not from synthetic dyes but from naturally colorful spices like paprika and turmeric. Kraft isn't the only food giant attempting a wholesome makeover. The trend is also coming after your Lucky Charms: General Mills is removing artificial colors from its entire cereal line. That means kids will have to mourn not only the psychedelic marshmallows in their morning staple of cartoon leprechauns, but also the fluorescent blue and green puffs in their Trix. Not to be outdone, Nestlé has vowed to nix artificial colors from its chocolate candy and faux flavors from its frozen dinners, while Campbell's is canning fake colors and flavors from its soups.

What's behind this industry-wide abandonment of artificial ingredients? Robert Moskow, a food industry analyst for investment bank Credit Suisse, believes the shift reflects a growing crisis: Big Food is losing its grip on the American palate. Moskow notes in a report that the 25 biggest US food companies accounted for 49.4 percent of US grocery expenditures in 2009, a level that had held steady for years; by 2014, their slice had declined to 45.1 percent.

That may sound like a subtle difference, but it amounts to a combined \$18 billion in lost sales. This loss, says Moskow, calls into question the industry's entire business model, which hinges on reaping huge profits in the United States, where growth is slow but margins are high, and investing a portion of them to build up markets in developing countries, where demand for convenience food is rising fast. What's more, these food giants have massive investments in the

United States—manufacturing, distribution, and sales force personnel—that need to be maintained. These costs are fixed (they can't easily be ramped down during a sales slump), so when US sales drop, "profit declines at an accelerated pace, and it becomes difficult to stop the downward spiral," Moskow adds. As US profits plummet, there's less cash available to invest in foreign markets, the industry's engine for growth.

So where are our food dollars going as they flee Cap'n Crunch and Jell-O? Partly to fresh food. Sales of packaged food in the United States have fallen more than

combining operations to slash costs. Last July, a group including Warren Buffett's Berkshire Hathaway merged iconic US companies Kraft and Heinz, a move that is expected to save \$1.5 billion annually.

But the most noteworthy trend is food giants swallowing up the small fry that are nibbling away at their business model. In 2014, General Mills, known for fading legacy brands like Betty Crocker and Pillsbury, bought fast-growing Annie's Homegrown. More recently, the meat giant Hormel, famous for Spam, acquired the organic meat company Applegate. Expect more such purchases, says Moskow: "Big companies are increasingly choosing to acquire on-trend brands rather than take the risk of developing new brands internally."

What does it all mean for the quality of the US diet? Marion Nestle, a professor of nutrition and food studies at New York University and the author of *Soda Politics: Taking on Big Soda (and Winning)*, sees the corporate push to simplify ingredients and snap up seemingly healthier competitors as a "huge victory for the food movement." Michael Pollan, a longtime food industry critic and the author (most recently) of *Cooked: A Natural History of Transformation*, calls the makeover "good news of a small sort," though he warns it "could easily become the food-science equivalent of greenwashing, and a way for processed food to hold its ground."

Pollan is right in that macaroni and cheese probably won't turn into health food anytime soon, no matter how natural its colors become,

but recent data from the US Department of Agriculture confirms that the consumer is indeed inching toward a more nutritious, less industry-friendly diet. Sugar and starchy potatoes, both associated with obesity and diabetes when consumed in excess, have significantly eased their hold on Americans over the past decade. We're still not eating enough fruits and vegetables, but our appetite for them is slowly growing. Meat, meanwhile, is becoming less tantalizing. All of this is "an indicator that people at least want to eat healthily," Nestle says. "And that's a step forward." ■



1 percent for each of the past two years, *Fortune* recently reported, citing figures from the investment firm Bernstein. But according to Moskow, the more telling shift is that even among packaged goods, we are buying items that appear healthier and less processed, often from companies such as Annie's Homegrown, maker of an organic macaroni and cheese, and Boulder Brands, which peddles everything from gluten-free Glutino baked goods to Earth Balance vegan shortening.

Along with aiming to mimic healthier products by nixing synthetic flavors and colors, Big Food is trying to keep up by

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